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THE NEW REPUBLIC

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TRB

from Washington ®
July 12, 1975

Braggadocio

The Bicentennial, like the Fourth of July, is an occasion for justifiable flag-waving. Yet it is hard to strike just the right note. Certainly there should be a grave acknowledgement, if not over-romanticized, of our debt to the Founding Fathers. And they still have things to teach us. Patrick Henry, for example, has something to say to President Ford.

An advertisement by the Richmond Corporation in *The Wall Street Journal* in May is headed, "If Patrick Henry Were Alive Today" and is written by Barry Goldwater. The senator uses the space to belabor pacifism, permissiveness and bureaucracy. Maybe that's what Patrick Henry would be saying today.

But we do know what he *did* say after the revolution and it is just as pertinent now as then; he said he favored postwar amnesty. He wasn't talking about the young men who, for reasons of conscience, wouldn't fight in a war that practically everybody now agrees was a mistake. He was talking about the Tories who wouldn't go along with the revolution. John Adams guessed that the colonists were divided in three equal parts—the advocates of independence, the Tories and the fence-sitters. Postwar bitterness could hardly have been more poisonous. With the war hardly over Patrick Henry surprised his radical followers when he urged the Virginia legislature to pass an act of "oblivion and restoration" for the vanquished loyalists. Yes, he wanted clemency and amnesty. He said that America needed the people who had left the country, and that they would make good citizens. "Oblivion and restoration." Make a note of it, Bicentennial orators and Mr. Ford.

Mobil Oil has been helpful too; it has been telling us what Sam Adams would say. Sam Adams deserves all our gratitude. He was a born revolutionary firebrand and the greatest propagandist of his time, who invented the Boston "massacre" and whose secret "committees of correspondence" around the colonies Harvard historian Samuel Eliot Morison likens to, without denigration, the revolutionary cells created by modern Communist agitators. We had rather a stodgy image of Mobil and it's an agreeable surprise to find out its affinity for Sam Adams.

Something about the Bicentennial seems to tempt big corporations to frisk in print like cats in catnip. Here is a four-page color spread by Conoco in *Time* telling how Jefferson, Madison, Patrick Henry, Hamilton, Abigail Adams and others would have rejected government controls, economic constraints and all that. But why do they stop there? A lot of our Founding Fathers (and all reverence to them) didn't believe in our idea of democracy at all, let alone government controls. Conoco could quote John Jay: "the people who own the country ought to govern the country"; Fisher Ames who wanted government of the "wise, the rich and the good"; John Adams who regarded Jefferson's belief in the common man as sentimental nonsense, and Hamilton who wanted a lifetime President, possibly hereditary, and government by "rich and well-born." It would make a nice Conoco ad.

Finally here is the US Chamber of Commerce, caught up in the spirit of the thing in monster type in an advertisement in *The New York Times* telling us that "we have the greatest amount of freedom for the individual of any country in the world . . . of choice . . . of religion . . . of thought . . . of speech." Fine, fine; just the thing for the fourth, to take our minds off FBI, CIA, wiretapping and Watergate. It recalls an essay by Arthur Schlesinger, Sr. back in 1949, that America's attractive "quality of optimism" was noted by many visitors but "attained its most blatant expression, however, in the national addiction to bragging." It is gratifying to feel that the US Chamber preserves this inheritance.

One should strike a note about the Fathers that is thankfully appreciative without being jingoistically maudlin because, while they were so far ahead of their own time, they were still far from us in many concepts. The darkest side, of course, was slavery. In a moving and dignified article in *The University of Chicago Magazine* (Summer, 1975) Prof. John Hope Franklin, a black, writing on "The Moral Legacy of the Founding Fathers" notes quietly one of the ugliest ironies in history, a noble Declaration proclaiming that "all men are created equal" written by slaveholders. It would be "perverse," he says, to derive satisfaction from calling attention to the flaws in the character and conduct of the Fathers, and "irresponsible" to do so merely to indulge in whimsical iconoclasm. But even today, as Prof. Franklin underlines, it is a moral challenge to face the matter honestly. Over in England, in 1772, Lord Mansfield outlawed slavery in the Somerset case on the compelling ground that human bondage was "too odious" to continue. The Founding Fathers kept clear of it. At several times before and during the revolution groups of slaves heard the word "liberty" and appealed for freedom. They were ignored.

The word "slavery," of course, does not appear in the Constitution, though it is there by indirection: the compromise of counting blacks as "three-fifths" of a person in apportioning representatives, and also in Article 1, Section 9 where it is stated by masterly circumlocution: "the Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the Year one thousand eight hundred and eight." We doubt if these passages from the Constitution are read at many celebrations of the fourth.

Let us be proud, but let us not be overproud. John Gardner of Common Cause notes that "When this nation was founded, there was a Holy Roman Emperor, Venice was a republic, France was ruled by a king, China by an emperor, Japan by a shogun, Russia by a czar, Great Britain was a monarchy; and among the world powers the only government that stands essentially unchanged is the Federal Union put together in the 1780s by 13 states on the East Coast of North America."

There is also the splendidly acerb comment by E. B. White: "Democracy is the recurrent suspicion that more than half of the people are right more than half of the time."

And there is Prof. Franklin's thought that "if we would deal with our past in terms of realities . . . it becomes necessary for us to deal with our early leaders in their own terms, namely, as frail, fallible human beings. . . ."

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THE NEW REPUBLIC *A Journal of Politics and the Arts, Vol. 173, Nos. 1 & 2, Issues 3156 & 3157, July 5 & 12, 1975. Published weekly (except the issues of January 4, July 12, August 9, August 23) and distributed by* The New Republic, *1244 19th Street, N.W. Washington, DC 20036. Phone 331-7494. Single copy, 50¢; Yearly subscriptions, $17; foreign, $20; students, $10. Send all remittances and correspondence about subscriptions, undelivered copies and changes of address to Subscription Department,* The New Republic, *381 West Center Street, Marion, Ohio 43302.* *Copyright 1975 by The New Republic, Inc.* *Item g. Second class postage paid at Washington, DC and additional mailing offices. Indexed in Reader's Guide.*

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Moonlighting At the IRS

Late last year the Senate subcommittee on constitutional rights reported that the IRS had come under pressure in the summer of 1969 to "do its part through enforcement of the tax laws to quell the riots, civil disturbances, and political protests which marked the late sixties and early seventies." First the revenuers called the unit charged with responsibility for assuring "maximum compliance with the Internal Revenue Service laws by those involved in extremist activities and those providing financial support to these activities" the Activist Organizations Committee. "To avoid erroneous impression of its objectives" the name was changed to Special Services Staff. The Ervin subcommittee concluded that "little if any of the Special Services Staff activities were legitimately tax-related." Since the subcommittee did not have authority to examine tax records it could not determine the "precise impact the staff had on the rights of American taxpayers."

On June 5 the Joint Committee on Internal Revenue Taxation released its investigation of the SSS. For the first time, Federal Reserve Board Chairman Arthur Burns was linked to questionable activities of the Nixon administration, because it was he who allegedly passed on to the IRS Nixon's order that the agency make special investigations of black militants and student protesters—and anyone financing them. The SSS began with the names of 77 organizations and ended in 1973, with the names of 8585 individuals and 2973 organizations on file. In a random sample of the files, 41 percent were black or ethnic groups—"associated with violence, confrontations, and civil disturbances"—and their leaders, employees and members. About 15 percent were white "right-wing extremist" and "racist" organizations advocating the use of force and violence. About 18 percent were antiwar; 11 percent "new left" radical groups and leaders. On file also were a number of "liberal establishment" groups and leaders. The Department of Justice, through the FBI, provided over half the subjects for SSS files. Other sources included congressional committees, publications and the IRS itself.

The joint committee, in a cautious report, found no evidence that anyone in the White House specifically demanded the creation of the SSS. But the keen interest expressed in the subject by the White House "cannot be ignored. Because of this interest it seems clear that some action by the Service was inevitable."

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The report goes on to discuss the direct involvement of President Kennedy and Attorney General Robert Kennedy in the genesis of earlier IRS investigations of "ideological organizations." Such operations, begun in the Kennedy years, continued through 1966. The inquiry involved IRS reviews of about 50 groups, mostly "right-wing."

In the SSS matter Arthur Burns does not recall the meeting with Randolph Trower, then IRS commissioner, at which he expressed Nixon's concern about left-wing radicals using tax-exempt funds. Charles Vanik, who chairs the House Ways and Means oversight subcommittee, held hearings June 25 on the staff report to give Burns an opportunity to clear up any misunderstanding or to refresh his memory. A growing list of questionable IRS activities and unanswered questions should motivate Vanik and his fellows to continue their foraging. For example there is Operation Leprechaun, investigations by the intelligence division of IRS into the personal non-tax related habits (sex and drinking) of Miami area residents in 1972. House members have accused Commissioner Donald Alexander of a cover-up within the IRS of Leprechaun. One wonders about the transferral of information from one IRS "system" to another, even after the disbanding of the SSS, for instance. House members believe that non-CIA intrusions on personal liberties will ultimately be shown to dwarf those of the agency.

The IRS has plenty of legitimate tax work to occupy itself without engaging in extralegal moonlighting. Pursuing tax evaders is one thing. Using the investigative capabilities of the IRS at the whim of the Executive for intimidation is something else.

"Don't scream, baby—we're both spying for the IRS."

Arms for Jordan

Secretary Kissinger has only himself to blame for some of his troubles with Congress. According to the Foreign Military Sales Act of 1974, the President must notify Congress if the administration agrees to any foreign transfer of military wares in excess of $25 million. This provision of the law sponsored by Sen. Gaylord Nelson (D, Wisc.) and Rep. Jonathan Bingham (D, NY) then allows the two houses 20 *calendar days* in which to consider the transaction and, if it wishes, pass a concurrent resolution cancelling it. The legislation was a significant step toward asserting congressional control over the vast American weapons business.

Two months ago the Ford administration agreed to provide Jordan with a Hawk surface-to-air missile system, at a reported price of $100 million. We noted shortly thereafter (*TNR*, May 24, 1975) why we thought this commerce in death was an especially reckless act. But we assumed that the President and the Secretary were sensitive enough to congressional prerogatives, involving the Middle East at least, that they would send without undue delay the stipulated advance notice or "letter of offer" to the Hill. We were wrong. To date, though everyone knows the administration intends to complete the transaction, Congress has not formally been told of the pending business. It is suspected that the obligation to inform the House and Senate will not be fulfilled until just before a long recess—let's say two or three calendar days before—so that Congress will in effect be hog-tied, unable to approve or cancel the deal in the 20 days it has to act.

Recent events in the Middle East intensify objections to this agreement. Given the announcement by Syria and Jordan that they will undertake a joint military command, the deal can no longer be seen as a straightforward arrangement with King Hussein. Who will guarantee, for example, that Soviet technicians stationed in Syria will not have access to a missile system that is basic to US, and NATO's air defenses? And if the Hawk, then, becomes "obsolete," will we be faced with Pentagon pressure to research, build and deploy at tremendous expense yet another generation of basic surface-to-air missiles?

It is, of course, possible (some say likely) that the new Jordanian-Syrian liaison will be short-lived, and that neither Syrians nor Russians will get their hands on the

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Hawk. But, in any event, the mercurial politics of the Arab world makes the transfer of advanced weapons technology very risky.

The introduction of Hawks on the eastern banks of the Jordan adds another destabilizing factor to the already precarious balance in the region. That this should happen under our patronage just as we seem once again to have headed the disputants toward another difficult round of negotiations is a folly that the administration is understandably reluctant to have Congress appraise. But if the Secretary and the President succeed in slipping this deal through the congressional net, what will they achieve? The prospects of peace will be further jeopardized by Arab calculations that Israeli aircraft, civilian or military, will be vulnerable to attack within pre-1967 Israeli territory from missiles provided by the United States.

Sen. Nelson, Reps. Robert F. Drinan (D, Mass.) and Benjamin Rosenthal (D, NY) have proposed legislation to get Congress more involved in arms trade decisions. The Secretary of State will complain that this would limit his freedom, hamper his flexibility. But if he continues to flout the most modest restraints, he has—as we said—only himself to blame when Congress asserts itself.

House Democrats

Raucous Caucus

A funny thing happened to the veto-proof 94th Congress. The Democrats, with their two-thirds majority in the House, have found that numbers don't necessarily mean unity. House Democrats relished the prospect of congressional government when they met to organize late last year after their strong gains in the fall elections. They had picked up 43 new House seats, and in their ranks were 75 freshmen bent on reforming the operations of the House and making it more responsive to the nation's needs. But six months later, the dream had vanished as Democratic unity dissolved on one of the most urgent issues—the energy crisis—and as President Ford made his vetoes stick.

The Democrats' problem, in large part, has been its caucus, the body including all Democratic members of the House that meets regularly in private to discuss party business. It has not been a forum for House Democrats to search out consensus positions on issues, but rather the center of a dispute that could have great impact on the way the House goes about its business and on the Democratic party's future.

The role the caucus should play is being questioned. Should it act in the traditional, limited role of selecting the party's House leadership or should it take on leadership functions in setting party policy on legislation and guiding committees on bills it wants considered?

The outcome of the controversy will be felt not only on the House's legislative record this year but on the reelection chances of many House Democrats in 1976. The Democrats, who outnumber Republicans by a two-to-one margin, are under great pressure to push through a party program on such important issues as energy, tax reform, the federal budget and health care.

The new House convened in January with a flurry of reform activity. The big losers were the committee chairmen, who saw three of their number deposed. The big gainer appeared to be the House Democratic caucus. The caucus was the cockpit for the reformers. They also used it to strip the Democratic members of the conservative-oriented Ways and Means Committee of the important power to make committee assignments and transferred it to the more liberal and leadership-oriented Democratic Steering and Policy Committee. The caucus strengthened Democratic control over House committees by expanding the Ways and Means Committee from 25 to 37 members, adding several liberals in the process, and giving all committees, except ethics, a two-to-one plus one Democratic majority.

The caucus had been building up for that moment. Over the past few years, the Democrats have been strengthening their caucus machinery after it had lain unused for 50 years. Today it is stronger than it has been since the heyday of "King Caucus" from 1911 to 1919. Liberals, led by the reform-minded Democratic Study Group (DSG), an organization of moderate and liberal Democratic representatives, first persuaded the caucus to meet regularly in 1969. That made it possible to begin to use the caucus to adopt important procedural reforms.

Reforms since 1971 have severely circumscribed the power of the House committee chairmen—the barons of the House after Speaker Sam Rayburn's death in 1961—and broken the hold of seniority, while simultaneously strengthening the subcommittees and the power of the House leadership and increasing the influence of junior and liberal Democratic House members. Doing that, however, accentuated the leadership void. Because of the caucus' actions, the committee chairmen no longer play a dominant role. But the newly bolstered party leadership of Speaker Carl Albert of Oklahoma and House Majority Leader Thomas P. O'Neill, Jr. of Massachusetts has been too timid to fully use new authority.

Given the current leaders, the next logical step would be for the caucus to assert its influence over legislative policy questions and to develop a more unified party approach. House reformers like Rep. Richard Bolling (D, Mo.) long have sought greater party accountability through a more active caucus. The caucus, under the leadership of its new chairman, Rep. Phillip Burton of California, took tentative steps in that direction beginning in late February. With the tax cut bill coming

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up for full House debate, it instructed the Democratic members of the House Rules Committee to bring to the House floor two amendments related to oil depletion. The next month, it adopted a "sense of the caucus" resolution opposing more American military aid to Indochina.

The Indochina resolution, proposed by Rep. Bob Carr of Michigan, a freshman Democrat, set off debate over how strong the caucus should be. Carr forced a special caucus meeting March 12 to take up his resolution under a rule that allows 50 Democratic members to call the body into special session. Adopted by a 189-49 vote, the resolution did not bind members of the caucus or committee members handling the Ford administration's aid request. Nevertheless many members interpreted the vote as a signal of what would happen if the Indochina aid measure were to reach the House floor. Some House Democrats, including several strong backers of the caucus' procedural reforms, were upset that the caucus voted before the House International Relations Committee had a chance to consider fully the aid request. Rep. David R. Obey, a reformer from Wisconsin, said the controversy was a "warning light," forcing members to start thinking about "what the caucus' role is."

They worry that the caucus might become too overbearing and in the end divide the party. They fear that the caucus might tell committees how to draft bills and force members to take positions on issues that would be unpopular back home. They talk of a possible repetition of the situation that existed for several months in 1971, when many Democratic members refused to attend regularly scheduled meetings of the caucus, forcing adjournment for lack of a quorum. At that time many of the absentees wished to avoid discussing and voting on an end-the-war resolution sponsored by Rep. Bella S. Abzug of New York.

Democratic conservatives, disturbed by the direction in which they see the caucus moving, are trying to slow down the momentum by opening caucus meetings to the press and the public. Defenders of an active caucus accuse the critics of raising false issues. The critics, they say, have exaggerated the extent of caucus involvement in legislative policy in an attempt to thwart the caucus. In the case of the oil depletion amendments, the caucus only instructed the Rules Committee to allow a floor vote on them. That opened the legislative process in two ways: it prevented the Ways and Means Committee from bottling up the amendments in committee, and it gave all House members a chance to vote.

Many members like Rep. Thomas S. Foley (D, Wash.), the new chairman of the House Agriculture Committee, acknowledge the caucus' right to instruct them as committee members and chairmen. Foley, however, draws the line on House floor votes. There his loyalties lie with his constituents, not with the caucus. The defenders have a point. Members like Obey and Rep. Donald M. Fraser (D, Minn.) who actively backed caucus reforms undercutting the old centers of authority in the House cannot stop now without laying the House Democrats open to the threat of anarchy in the committtees and on the House floor. The caucus must be able to instruct committees on major legislative questions.

Fraser and Obey agree that the caucus does harbor the potential for becoming overbearing and being overused for divisive policy debates. The Carr resolution came close to doing that. As a preventitive, they favor using the two-year-old, 24-member Democratic Steering and Policy Committee as an executive

Staff Changes

Roger Rosenblatt, who has been director of the division of education programs at the National Endowment for the Humanities, will join *The New Republic* as literary editor beginning with the issue of July 19. Mr. Rosenblatt is the author of *Black Fiction* (Harvard University Press), a study of black American writers in this century; he taught English at Harvard, holds a Ph.D. in English, and studied at Trinity College in Dublin as a Fulbright scholar. Articles of his have appeared in *The New York Times, The American Scholar* and *The New Republic.*

This week *Tad Szulc* and *Roger Morris* go on our masthead as contributing editors and will appear frequently in *TNR.* Tad Szulc worked for *The New York Times* for 20 years. As a foreign correspondent he covered Eastern and Western Europe and Latin America. Mr. Szulc is the author of 12 books, the most recent of which is *Innocents at Home* (Viking Press). He won the Sigma Delta Chi Award for reporting the Soviet invasion of Czechoslovakia; the Overseas Press Club Award for his coverage of the Dominican revolution in 1965; Maria Moors Cabot gold medal from Columbia University for Western Hemisphere reporting; and the Overseas Press Club Award this year for foreign policy analysis in magazines.

Roger Morris joined the White House staff in 1967 and was a member of the National Security Council staff under Presidents Johnson and Nixon. He worked closely with Henry Kissinger during 1969-70 and resigned in late April 1970 in protest of the Cambodian invasion. From 1970 to 1972 he was legislative assistant to Sen. Walter Mondale (D, Minn.), and was director of humanitarian policy studies at the Carnegie Endowment until 1974. He is the author of a study of international relief during the West African drought, *Disaster in the Desert* (Carnegie Endowment).

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committee of the caucus to guide it and consider resolutions and proposals before they reach the full caucus for action. "It's not as formal as the caucus," Fraser says. "It's a smaller group where issues can be argued out." An attempt by Obey and Majority Leader O'Neill to use the committee for that purpose by referring the Carr resolution to it failed at the caucus' March 12 special meeting. That rebuff should not deter members from trying again. The caucus is simply too large and unwieldy to provide leadership except when a consensus has developed beforehand.

Despite its growing pains, there are signs that the caucus will play an increasingly influential role in developing a Democratic program in the 94th Congress. The Democrats need to follow the caucus and the Steering and Policy Committee leadership if they are to put together a record to run on in 1976. If party policies are not developed and implemented, then many members, especially those freshmen elected from marginal districts, will be in trouble next year, and they will be the first to suffer the consequences of disunity. Democrats in the 94th Congress are not as divided (except on energy) as they have been in the past. This greater unity should facilitate use of the caucus.

Rep. Burton, who was elected caucus chairman in December by liberals and freshmen who favor a more aggressive forum, recognizes the problems the caucus has and, for the time being, wants it to deal more with broad policy than with details. He also senses the dissatisfaction stirred up by the Carr resolution. After that debate, he told Carr, "Some people were steamed. We have to lay off using the caucus for a while." The test for House Democrats is whether they can use the cooling off period to achieve a consensus on what role they want the caucus to play.

Bruce F. Freed

Mr. Freed is on the editorial staff of *Congressional Quarterly.*

Wiretapping Without Warrants

Last week the US Court of Appeals in Washington, DC declared illegal so-called "national security" warrantless wiretaps on a domestic organization. Because the decision is a significant step toward eliminating the President's power to engage in unchecked wiretapping on American citizens, it deserves—and will no doubt get—close attention in the executive branch and in Congress.

The case before the appeals court involved a wiretap that Attorney General Mitchell had authorized in 1970 to be placed in the New York City headquarters of the Jewish Defense League. The proffered justification for the wiretap was a concern that the JDL's activities—which included demonstrations against the Soviet Union in New York City—"posed a threat to the continuance of our peaceful foreign relations with the Soviet Union and subjected American citizens living in Moscow to harm by retaliation." The government conceded that it had no evidence that the JDL members were actively collaborating with foreign agents or that the JDL intended any harm to the United States. The tap nonetheless remained in place for 208 days, thereby allowing government agents to overhear every conversation—including personal calls—over the JDL's telephones.

The government did not secure a prior court warrant approving the tap, despite the plain words of the Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and *no warrants shall issue, but upon probable cause, supported by Oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized.*" Although the Fourth Amendment itself does not provide an exception for national security cases, a federal district court in Washington, DC had upheld the constitutionality of the warrantless wiretaps on the JDL's telephones. In drawing its conclusion, the court pointed to the reservation in the *Keith* case (*Keith* v. *US District Court*) which was decided by the Supreme Court in 1972.

In that case, the Court held that warrantless wiretaps on three citizens who conspired to blow up a CIA office building in Ann Arbor, Michigan, were illegal. In the course of its opinion, the Court emphasized that "the instant case requires no judgment on the scope of the President's surveillance power with respect to the activities of foreign powers, within or without this country. The attorney general's affidavit in the Ann Arbor case said that the surveillances were 'deemed necessary to protect the nation from attempts of *domestic organizations* to attack and subvert the existing structure of Government [emphasis supplied]. There is no evidence of any involvement, directly or indirectly, of a foreign power." The Supreme Court did not explain what evidence might be necessary to show direct or indirect involvement of a foreign power or what the result would be if there were such involvement. The district court therefore presumed that the President could authorize warrantless wiretaps in cases involving foreign powers and that the JDL's effect on US relations with the Soviet Union was sufficient.

The dangers of the lower court's decision were clear. Under its broad interpretation of law, thousands of other American citizens were vulnerable to warrantless wiretaps if the government believed—somehow,

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some way—the individual's activities pose a threat to American relations with another country. The government would not have to possess evidence that the individual actually even knew a foreign agent. Nor would the government have to have evidence that the individual had committed a crime or had in any way intended harm to the US. It might have been sufficient in the case of a journalist, for example, if a foreign agent merely was able to read the journalist's published writing. (Indeed, James St. Clair employed this reasoning in arguing before the House Judiciary Committee last summer that the so-called Kissinger taps in 1969-71—warrantless surveillances on 17 American newsmen and government officials who were suspected of leaking and publishing sensitive information—"were legal then and still meet the current legal standards [under the *Keith* case]."

Relying principally on the language and history of the Fourth Amendment, the DC appeals court last week reversed the lower court. According to the appeals court, the President must obtain prior court approval before he can authorize a wiretap on an American citizen who has no relationship with a foreign power or a foreign agent. In reaching this judgment, the court observed that "the Constitution compels us to do no less."

However important the appeals court's decision is, it does not finally resolve the issue or obviate the need for congressional action. First of all, the matter will not be settled until the Supreme Court rules on the case—which may be months and perhaps years from now. Moreover, the appeals court's ruling leaves unresolved those situations where the government suspects an American citizen is actively collaborating with foreign agents. That loophole should be closed, too.

Even if one were to assume that the Court will rule favorably on all these matters, Congress still has a responsibility to ensure that the applicable standards and procedures provide sufficient protection for constitutionally guaranteed freedoms. To this end Sen. Kennedy and I have introduced a bill to prohibit warrantless wiretaps for national security purposes or any other reason. The government would have to satisfy strict criminal standards before it could get a warrant approving a "national security" wiretap on an American citizen. (The standard would be less rigorous in obtaining a warrant to wiretap a foreign power.) The bill would also require the government to notify American citizens of the interception after the tap is removed, unless the court has agreed to postpone the notification for legitimate national security reasons. Only in this way will an individual be sure to learn of the tap and thus have the opportunity to seek court relief for any violation of his rights.

Attorney General Saxbe opposed the bill last year, but Attorney General Levi says he is now reviewing the matter. If individual liberty—and not unrestrained government power—is to remain the hallmark of our political system, the Justice Department should support the bill and Congress should pass it.

Gaylord Nelson

Mr. Nelson represents Wisconsin in the US Senate.

Recovery Now, Relapse Ahead

Another Oil Recession

by Charles L. Schultze

There is, by now, a strong possibility that the current struggle between the President and Congress over energy policy will end up producing the worst of all possible outcomes. The price of petroleum and other fuels will rise sharply over the next two years, draining substantial sums away from consumers. And this loss of purchasing power could in turn abort the recovery now apparently ready to begin, threatening the nation with many more years of unconscionably high unemployment, coupled with an added spurt of price increases.

A significant part of the present recession can be

Charles L. Schultze was director of the Bureau of the Budget during the Johnson administration and is now senior fellow at the Brookings Intitution.

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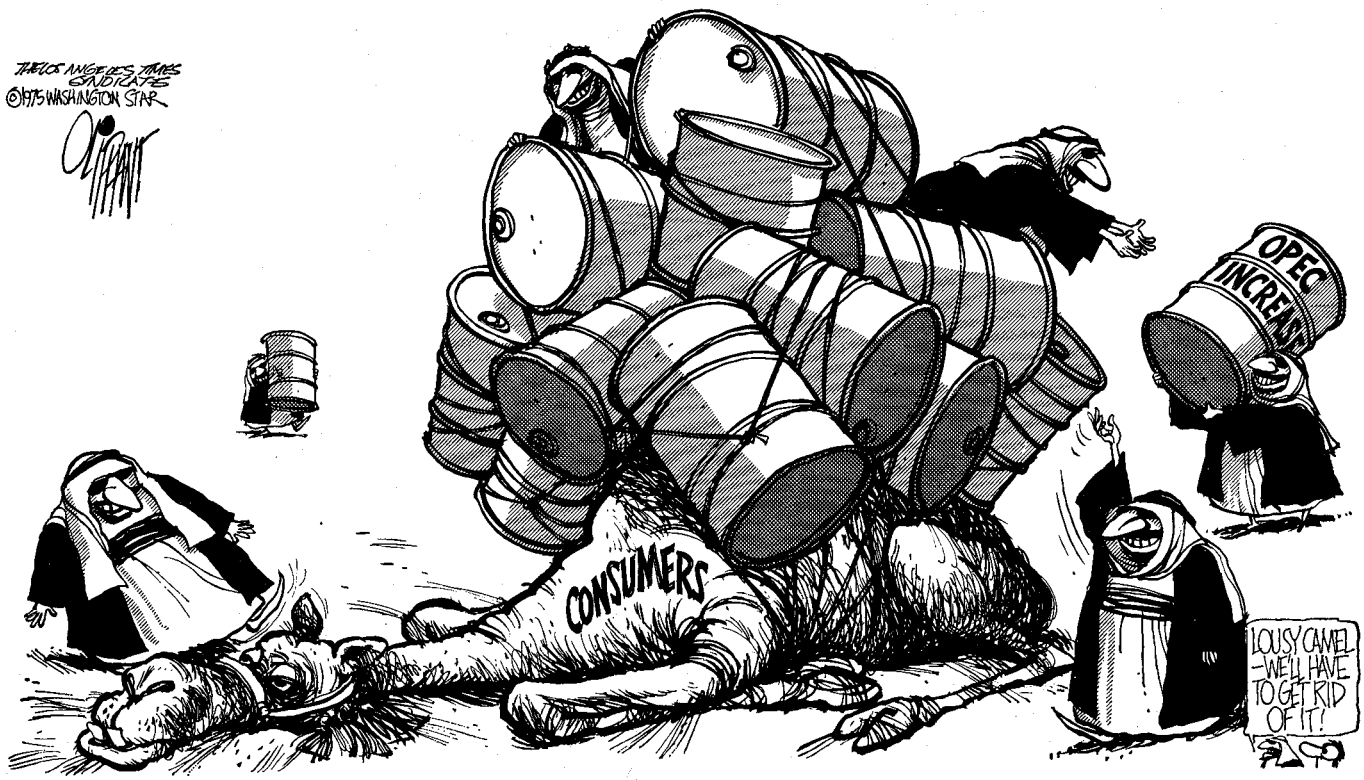
traced to uncompensated oil price increases. The large jump in crude oil prices that took place in 1974—from four dollars a barrel before the embargo to an average of about $9.50 in early 1975—drained $35 billion or more in purchasing power from consumers. The proceeds of this price rise went principally to two groups: foreign producers (OPEC) and domestic oil companies, in just about equal proportions. Those who paid the higher price had less to spend on other things. Consumer sales fell off and workers in consumer goods industries lost their jobs. The OPEC countries did not boost their imports from us by an amount anywhere near commensurate with their swollen oil receipts. And while domestic investment in oil, gas and coal did rise, the gain was offset by a fall in electric utility investment. As a consequence, jobs lost in the consumer goods industries were not replaced by jobs gained in industries producing export or investment goods. My colleague George Perry at Brookings has estimated that about one-third of the rise in unemployment over the past year can be traced to this cause. We appear to be about to repeat that experience.

Oil in the United States comes from three sources: 38 percent from imports, selling in January 1975 at $12.50 a barrel; 25 percent from domestically produced *new* oil, not subject to price control, and selling at a price slightly below imports; and 37 percent from *old* oil, subject to price control at $5.25 a barrel. The average price, blending all of these sources, was about $9.50 early this year. Since January, President Ford has imposed a two-dollar fee on imported oil, raising its price accordingly. Uncontrolled new oil prices are rising to match the import price increase. The President has also proposed to remove price controls on old oil over a two-year period. Together, these actions would raise the price of oil to an average of about $14 a barrel, by the middle of 1977. Finally the President's program includes a series of tax reductions designed to pump back into the economy the monies removed through the price increases. While one can quarrel with the particular form of the suggested rebates, at least the administration recognizes the need to restore the lost purchasing power.

Congress has so far not been able to come up with an energy program of its own. The Democrats cannot agree among themselves on what to do. And the Republicans are voting against any major program that differs from the President's. In the end the President may get most of what he wants, but the absolutely vital element of rebating the lost purchasing power seems likely to slip between the cracks.

The import fee has been imposed by the President through executive action under an existing law, and Congress has shown itself unable to override a veto of legislation designed to strip away that power. The law under which the price of old oil is controlled expires on August 31. Continued control depends on enacting a new law. The President's ability to sustain a veto probably gives him the power to negotiate a compromise extension bill very nearly meeting his own objectives—say, gradual decontrol over three years instead of his proposed two years.

Finally the OPEC nations have given every indication that they will raise the price of oil this September. No one can now predict the size of that increase. But, barring unexpected problems among the members of



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OPEC, a rise of two dollars is by no means out of the question.

Combining all three of these developments—the two-dollar import fee, decontrol of old oil over three years and a two-dollar OPEC price increase—what would be the effect on the economy? First the average price of oil sold in the United States would rise to $12 per barrel in September and then by steps to $16 over the next three years. Prices of gasoline, heating oil and other refined petroleum products would rise accordingly. The prices of petrochemicals, electricity and other goods using oil would also increase. Coal prices would rise in sympathy, and as old contracts for coal purchases gradually expired or were renegotiated, the average price paid by utilities for coal would move upward. The same thing would happen to intrastate natural gas—that is, gas produced and sold within the same state, which is not regulated in price.

By the first half of 1976, the combination of these events would be draining an additional $13 billion in purchasing power from consumers' pockets. This amount would rise to between $30 and $35 billion by the second half of 1977. State and local governments would pay several billion more for the energy they consume, leading to further state and local tax increases and an additional burden on consumers.

The tax cut passed this year by the Congress to stimulate recovery (which will probably be extended for the next several years) provides about $10 billion in additional after-tax income to consumers. Already, by early next year, the purchasing power drain from the new oil price rises would more than equal this stimulus, and by late 1977 would take away three to four times as much purchasing power as the tax cut was providing.

At the same time as this was occurring, the rate of inflation—which is now beginning to taper off—would be given a new fillip. Over a two-year period, the energy price increases outlined above would directly add 2.5 to 3 percent to the cost of living. In turn if wage increases accelerated by only a fraction, say onedthird, of this extra price rise, other nonenergy costs and prices would escalate. The whole process could end up adding perhaps 3.5 to 4 percent to the price level by late 1977. Unless the Federal Reserve Board raised its targets for growth in the money supply by a corresponding amount, credit conditions would tighten, interest rates would rise, and a still further downward thrust would be given to the economy.

Under these circumstances the chance of an aborted recovery would become a virtual certainty. While the economy would probably continue to improve over the remainder of 1975, and conceivably into early 1976, its momentum would soon be lost. At best, the rate of unemployment would stop falling and remain stuck between 8.5 and 9 percent for a long period. Equally likely, the incipient recovery could be followed by a new downturn, sending unemployment above 10 percent.

The central message of these calculations is that sharp *uncompensated* increases in energy price can have a disastrous effect on the prospects for recovery. Whatever the outcome of the battle between the President and the Congress on energy policy itself, it is critical for the economic health of the nation that major energy price increases, from whatever sources, be balanced by fiscal and monetary measures that restore to consumers the purchasing power they lose by the price rise, and to credit markets the funds needed for financing the higher cost of energy.

Playing OPEC's Game by OPEC's Rules

Oil Double-Talk

by Eliot Marshall

Since 1973 the administration has been squirting squid's ink over the energy crisis, issuing threats, promises and sweet talk in a protective cloud that's probably done more to obscure than clarify the US position on oil. The confusion is partly accidental in that it reflects a series of changes in staff and opinion at the White House. But it's partly contrived. Henry Kissinger, who's trying to become the chief policymaker in this field, has a familiar method for settling disputes like the fight over oil supplies. He visits all the contestants, telling them individually what they want to hear, and then withdraws to put together a solution that he hopes will serve American purposes but that may be quite different from assurances handed out earlier.

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Thus the public statements of the last few months reveal that the US is encouraging high oil prices so that prices will be low, and engaging in friendly talks with OPEC in order to destroy it. That's the confused message of the press releases. Nevertheless, some consistent policy trends can be found in all this.

There was no outcry when Henry Kissinger and his Assistant Secretary for Business and Economic Affairs, Thomas Enders, stormed the White House with their energy program last year. Perhaps it's an exaggeration to say they attempted a coup, for the State Department has been a player in the oil game for many years, and last fall it was asserting a traditional right. But the move was a bungle. It upset the man who up to that time considered *himself* the head energy policymaker—the former "energy czar" and present Secretary of the Treasury, William Simon. He thought the Kissinger-Enders plan was a bad idea and unenforceable. To this day he refuses to endorse part of it.

A speech made by Enders at a meeting of the Chubb Fellows at Yale last November 25 offers insight into the way he and Kissinger were thinking at the time. (A footnote: one reporter described this as "Enders' suppressed speech," and if you call Enders' office, you may be told as I was that there are no copies left. If you call Yale, you may be referred to Enders' office. The reason is that Simon personally complained about the speech to Kissinger, who then had it classified as "unofficial." The State Department won't hand out copies.) At Yale, Enders said: "What is required . . . is that each new energy investment within the industrialized countries be assured that its output can be sold at the equivalent of the current price of oil [$11 a barrel] protected for inflation." He also spoke of trying to reach an agreement on price with OPEC.

The most controversial idea put forward here and in a later speech by Henry Kissinger on February 3 is that the consumer countries should try to prop up oil prices at a high level. Kissinger referred to the minimum price as a "point of reference for an eventual consumer-producer agreement." Following Enders' logic, he said: "To the extent that OPEC's current high prices are caused by fear of precipitate later declines, the consuming countries, in return for an assured supply, should be prepared to offer producers an assured price for some definite period so long as this price is substantially lower than the current price." The original idea expressed in Enders' speech, it seems, was to guarantee a minimum price of $11 a barrel for oil produced outside OPEC. This "threat" of high-priced oil was supposed to convince OPEC that it should negotiate a lower price and sign a "contract" to supply consumers before consumers develop their own sources. But it didn't scare anyone. Instead—like the President's two-dollar tariff on imports—it helped OPEC justify its demands for more money. The "contract," which might have promised OPEC seven or eight dollars for oil that costs roughly 20 cents a barrel to produce, didn't come through. The consumers thought it would give OPEC too much; OPEC members thought it was ridiculous because they control the monopoly. The State Department no longer talks about making a price deal with OPEC, insisting that it never had such a plan in mind. But State officials still believe there should be a minimum price for oil in consuming countries. No one will say—indeed, no one has any idea—what a fair price would be.

The dispute between Kissinger and Simon continues, though the Treasury Secretary seems to have accepted second rank to State on some important oil questions. He still grumbles about it. Testifying before a Senate finance subcommittee on May 7, Simon gently criticized the minimum price plan. "Being the advocate of the free market that I am," he said, he had a "bias" in favor of flexible tariffs and against rigid schemes like minimum pricing. If the oil industry needs a new cash incentive to drill in the US, he suggested, there are less costly ways to provide it. Simon insists the President hasn't decided whether he will use the price floor.

The Kissinger-Simon feud is essentially a spat between members of the same club. The question they can't agree on is whether the energy companies have adequate incentive in the current high oil prices to start new projects at home, or whether they need the extra help of global price supports. No one in the club suggests that the US start its own joint ventures with the oil companies, build new refineries, subsidize a couple of coal-oil plants or try to divorce the American oil giants from their ties to OPEC.

Congress may be miserably underequipped to deal with the world oil business, but at least it has identified and blocked some of the more capricious ideas in the Kissinger-Enders plan, the floor price being one of them. Of course, Simon helped shoot it down too. Except for this, Congress has done little but throw petty obstacles in the President's path. Jerry Ford has learned to use the powers of his office quite effectively, and Congress has been steamrolled.

A second bad idea, one the President *has* endorsed, is the two- to three-dollar tariff added by executive fiat to OPEC's superinflated oil price. White House aides several times have called it a "prod" useful for provoking the cattle in Congress. To activate this prod, the President invoked a section of the Trade Expansion Act of 1962 that allows him to tax imports without public hearings or congressional consent when he finds that unwanted imports threaten the nation's security. In a sense, it provides for taxation without representation, but only in an emergency. The emergency was discovered suddenly in the first week of January.

Though it may suit Ford's purpose today, the trade act was originally meant to help stop a flood of *cheap* imports from coming into the country; it was not meant to give the President power to make expensive imports more expensive. Ford is on shaky ground bending the

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law to this new use. When William Simon sent a memo through the bureaucracy in early January asking for written proof that a national emergency really *did* exist, the only agency that wouldn't cooperate in the charade was the Labor Department. It told Simon that data for such a finding "could not be collected and made available within the time required by Mr. Simon's memorandum of January 4." The President made his speech without the solace of Labor Department approval on January 15. Ford announced that he would also use executive power to end price controls on domestic oil, and he invoked the little-used Defense Production Act to permit the oil companies to join the State Department in advising the International Energy Agency (IEA) in Paris. This caused a little stir among energy-watchers on Capitol Hill, but didn't make a splash in the press.

One part of the international energy program agreed upon by the consuming nations in Paris last fall requires consumers to share oil in any future embargo. This is intended to prevent OPEC from singling out one country for punishment, and to reduce panic buying. Although the concept is good, the State Department's method of carrying it out has been rather odd. It gives some insight into the relationship between State and the major oil companies and helps explain why US policy is so closely attuned to the companies' needs.

To win their cooperation in the IEA oil-sharing plan, the US has given the oil companies a 10-year grant of immunity from the antitrust and Federal Trade Commission laws. The exemption covers only actions taken at the direction of the IEA. About a score of US companies have signed a "voluntary agreement" under the Defense Production Act, meaning that in return for the antitrust immunity, they will get together in committees and design an efficient scheme of global oil shipments. As in so many projects that involve international oil, the important moves in this case took place quickly and far from public view. Some background is necessary to understand why this is so.

In 1973 when the "energy crisis" was getting a lot of press, the Nixon administration wanted to establish a voluntary allocation program in the US run by the oil companies. Congress stopped it. Instead, Congress passed the Emergency Petroleum Allocation Act and the Federal Energy Administration Act, giving the public more control over and insight into oil than it had had before. Among other things, the new laws required that consumer representatives be present at all advisory meetings attended by industry people, that adequate notice of meetings be published in the Federal Register and that transcripts be kept and put in the Federal Energy Administration (FEA) reading room.

When they set out to design an international oil plan, the State Department and FEA ignored the new rules. The State Department's Assistant Legal Adviser for Business and Economic Affairs, Wallace Hopkins, wrote to the Justice Department last October 4 seeking antitrust clearance to permit agents of the five American "majors" (Exxon, Socal, Mobil, Texaco and Gulf) and foreign majors to get together in an advisory board in London led by British Petroleum. Hopkins, now deputy director at the IEA, enclosed a draft of the letter he wanted Justice to send him "which I think would give the companies the comfort they feel they need." The public wasn't informed. The FEA, which is responsible for allocating American oil, took part in the talks from the beginning, but considered them private "consultations" rather than advisory meetings, since advisory meetings must be open to the public. At the same time, lawyers for the majors began seeing State and FEA officials to give advice on how the 10-year grant of immunity should be framed. This too was done without public participation. Philip Trimble, who participated in these planning sessions as Wallace Hopkins' successor at State, argues that it would be impossible for the department to make any headway if it had to give notice and invite the public every time it wanted some advice from the industry.

Eventually the government did go public. FEA Assistant General Counsel Joseph Bell had a notice published in the Federal Register on February 14, giving six days' notice for an important meeting to be held February 20 to discuss antitrust immunity. According to one official, the meeting was opened to the public because John Lamont, a former Justice Department attorney who now represents independent oil companies and consumer groups, found out about it and made a fuss. Bell said the notice was short because the oil crisis required immediate action. Trimble said the government moved quickly because European members of the IEA were growing restless and beginning to question the sincerity of America's commitment to the agency.

Onlookers who showed up at the February 20 meeting were told to withhold comment until the oil company lawyers (many of whom had been working on the project for months), Trimble and Bell had finished editing a draft of the exemption document. When the line-by-line rewrite was over, an agent for an independent company—Ashland Oil—wanted to know "what procedures were used . . . in selecting so-called participants who received special invitations in advance?" FEA Assistant Counsel Bell replied that the "invitation was simply to those companies who had been identified by IEA as companies with significant crude production in the international market. . . ." These were all majors, probably selected by BP. John Lamont also let loose: "After six rather tiresome hours of listening to these discussions, I suspect that going through it in detail from the outsider's point of view would not only not be welcome, but even *I* haven't got the heart." A transcript of the meeting was made, but not put in the reading room at FEA or listed in the index

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to meetings posted in the reading room. It was an insider's affair.

Since then executives and company supply experts have been meeting on and off in five advisory bodies in New York, London and Paris to design the global allocation scheme and to work out other IEA procedures. They've been feeding information into a computer at IEA headquarters in Paris that will soon run through a "simulated embargo" to check the efficiency of the plan. The public attends none of these sessions (for security reasons), and even the government seems to have only sketchy information on what is happening. No official publication, other than State Department press releases quoting Henry Kissinger, informs the public of decisions being made in Paris. The Federal Trade Commission sends no one to the meetings; the Justice Department dispatched one man from its Antitrust Division (Joseph Mullin), but he only spent a week in Paris last April. The FTC and Justice do receive summarized minutes of the industry meetings, however. In all, fewer than 10 government employees work full time on the IEA.

The goal of the IEA, it seems, is not to have consumer governments master the oil business as the OPEC nations have, but to have them cooperate with the international majors. Already in one disagreement at the IEA, according to *Platt's Oilgram* of May 14, the United States backed the oil companies in a fight with the other member nations over who will control distribution of oil in an emergency. *Oilgram* reported that American officials "are worried that the companies, whose assistance they consider vital, will become reluctant to cooperate with the agency if their activities are too closely controlled by the secretariat. US officials also believe that the companies, with their large staffs and years of experience, can better handle the job." According to *Oilgram* the IEA is also "trying to establish an exchange of technical information with the OPEC secretariat." A State Department official said the differences between the companies and IEA members were "narrow and technical." He guessed that the exchange of information was part of the "ongoing dialogue with OPEC."

What kind of oil policy is it that requires such prodding and lashing by the Executive to put it in place? The plan—at least the common ground between Treasury, State and the White House—is based on a couple of general assumptions. The first is that the government should not intrude into the private arena of oil, even though we are said to be in the middle of a national emergency. The US will not build its own fuel producing plants or try to interfere in the partnership that now exists between the majors and OPEC. The second is that the US will rely on high prices to bring about change on the theory that the higher the cost of oil, the faster private industry will develop new sources of fuel. In between now and the day the cartel collapses, the IEA will act as little brother to OPEC, smoothing out the disruptive effects of decisions made at headquarters. It's odd that the government can think of only one tool for splintering the cartel—high prices—the very thing the cartel demands.

How to Break the Cartel

Calling OPEC's Bluff

by Daniel Yergin

Early in June, unnoticed by the rest of the world, top executives of some of the largest international oil companies slipped into Tehran on a private pilgrimage to the Shah of Shahs. They asked his Highness to increase the narrow profit margin they now earn on each barrel of Iranian oil. The Shah would not grant their request. Last year had been their fat year, he is reported to have said, and this year they would have to content themselves with lean. "The companies aren't happy," was the assessment of one Iranian official after the meeting.

No doubt this was yet another satisfying moment for the Shah, who as late as 1970 was a captive of the oil allowance that the Western companies doled out to him. But today he and the other leaders of the oil-producing countries dictate not only the world oil price

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but also, to a significant degree, what happens to the world economy. Corporate princes, finance ministers, even heads of state, come forward, heads bowed, to ask this or that concession.

On October 1 the cartel threatens to once again demonstrate its power by raising the price of oil. The Iranians have been hinting at up to a 35 percent increase, almost four dollars, but the rise will likely turn out to be closer to two dollars a barrel—so that the cartel can both continue to make its oil revolution and win praise for "moderation."

Unfortunately, it is also likely that the consuming countries—especially the country that can do the most, the United States—will grouse but do little. The consequences will be severe, for a price hike will deliver a terrific deflationary wallop to the industrialized countries just as they are beginning to recover from the depression. Troubled industries and companies will reel under new pressure—the Air Transport Association calculates that a two dollar a barrel increase will cost US airlines (excluding Pan Am and TWA) another $415 million a year. Oil is the basic commodity of the industrialized world, and we should understand that we are in the grip of an oil-induced economic crisis, and we should not be deluded by bankers who fall all over themselves to announce that every glimmer of good news portends the light at the end of the tunnel. As Henri Simonet, vice president of the Commission of the European Communities, recently observed: "Energy costs are still weighing heavily on economies whose outlook is uncertain and which are mortgaged virtually to the hilt." Inflation, depression, monetary instability, fitful upturns, followed by longer downturns—this will be the cycle so long as OPEC can dictate the price, and this is a situation that could prevail, unless the consuming countries decide otherwise, through the rest of the decade. Yet this October hike will paradoxically be a sign not only of the OPEC's strength but also of its weakness. Indeed it represents the one way to save the cartel from its own brewing crisis. To date the cartel has been nothing more than an agreement on a price, an easy task so long as world demand kept increasing. But conservation, a warm winter and an oil-induced economic depression dramatically reduced the demand for OPEC oil. The members responded by voluntarily reducing production; and today, about a third of OPEC's capacity is shut in. Already apparent are the signs of weakness, cheating and conflict that could destroy the cartel's unity. Algeria cancelled a $42 million barter deal when it became known that the deal was subterfuge for unloading Algerian oil below the official Algerian price. On June 1 Libya cut its oil price in an effort to spur production and income—and did not even bother to inform OPEC. Kuwait gave Shell a significant "discount" to take on a long-term contract. Indonesia's national oil company totters on the edge of bankruptcy because Japanese consumption is down and competition from China, not a member of OPEC, is increasing. Meanwhile the Saudi Arabians have been urging other countries not to nationalize foreign companies completely because it is only through the foreign companies that the OPEC members can keep a truthful check on each other's production and pricing.

Against such a backdrop would come the real test—would the cartel be able to apportion and coordinate production cutbacks among its members? The task would involve difficult political bargaining, might well prove impossible, and would certainly encourage price moderation, instead of price recklessness.

To date, however, Saudi Arabia has made it possible for the cartel to avoid this problem by absorbing unilaterally the bulk of the voluntary production cutbacks. Saudi production slid to 5.9 million barrels a day in April, which is just a little over half its capacity. Production in April of this year was a full 32 percent lower than in April 1974 (although production did pick up in May). The Saudis maintain that such cuts do not worry them, that they can always adjust their ambitious five-year development plan downward, that in fact Saudi Arabia should be producing only three or four million barrels a day, anyway. "The ability of producers to cut back exceeds by far the ability of the consumers to reduce consumption," Sheik Yamani, the Saudi oil minister, recently declared.

It is a mistake, however, to believe such statements; they are more bluster and bargaining rhetoric than truth. Having become a political power and high consumer, it is not so easy to suddenly become a voluntary ascetic. But the problem goes beyond lifestyles. For the Saudis know that oil held in the ground will almost certainly be worth less in 10 years than it is today because of the development of new sources of oil outside OPEC and changes in technology away from oil dependence. The game for the cartel is short term—to make as much as they can get in the next few years—and then to let the future take care of itself. Cutbacks today do not mean a deferral of income for the Saudis and other producers; they mean a permanent loss of that income. If Saudi Arabia continues to cut back production, it in effect ceases to be Saudi Arabia and becomes simply another oil producer, and Sheik Yamani becomes just another oil minister. Substantial decreases in revenues, with a corresponding loss of loan-giving capacity, mean a substantial loss of political influence in the Arab world and elsewhere. The Saudis become less able to finance the conservatism in the Middle East that is essential for the survival of their own regime. In fact, cutbacks by Saudi Arabia and other states like Kuwait constitute a "gift" to rivals, to radical states like Libya and Iraq, which are working to increase their production significantly in order to increase their own political and military power. Neighboring Iraq, for instance, aided by some price trimming, pushed production in May 1975 up to 2.4

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million barrels a day—42 percent higher than the same month in 1974. Libya is also trying to double production in order to throw an extra million barrels on the world market—that can be sold only if other states further restrict production. Altruism has its limits, and the Saudis will begin to question the extent of their voluntary cutbacks if it becomes clear that with their cutbacks they are in effect bankrolling Arab radicalism.

Imagine the oil ministers of Libya, Iraq, Kuwait and Saudi Arabia sitting down to coordinate production. Such a picture could become a real possibility. But at the OPEC meeting in Gabon in early June, cartel members skipped that problem because they concluded that voluntary cutbacks would tide them over until the expected rise in demand begins in the autumn. The October rise then will have less to do with inflation than with compensating producers for loss of income that resulted from the slack demand. The reason they figure they can get away with another price rise is that they assume demand will be stronger and consumers will have to buy, whatever the price. After all, if the consuming nations swallowed a 400 percent increase, why should they do anything about a 20 percent increase? And Mr. Ford's oil tariff gives them further confidence that they are right. "If the price of oil is too high, why do you increase the price in your own country?" Farouk M. Akhdar, a top Saudi economic official, asked during a recent American tour. He dismissed the problem of production cuts: "This reduction in demand isn't permanent; it's transitory."

That is the basic OPEC assumption—that the reduction in demand is only temporary. If, however, the reduction for OPEC oil becomes permanent, then the cartel would face the probably insoluble problem of allocating production cutbacks. That situation should be the goal of Western policy—for this year and next year, not in 1985.

Why have the consumers been so acquiescent? That really means, why has the United States been so passive, since it is the consumer of note (one-third of the oil used in the world each day), as well as guarantor of Saudi and Iranian security? Despite occasionally tough talk—aimed more at another embargo than at price—the US has passively accepted the oil revolution and simply moved to soak up as much of the transfer as it can through exports and luring investment.

Partly, the course of least resistance is the easiest. Policy is fractionated, and the entire situation is immensely confusing. How do you come to terms with an almost completely new issue involving everything from war in the Middle East to nine percent unemployment to thermostat settings, the price of phonograph records and the family's summer holiday plans? That helps to explain both the inability of Congress to come up with a plan and the almost completely incomprehensible news reporting on the energy debate. Another key roadblock has been a wrongheaded focus on the longer-term, what to do in 1985, instead of what to do about 1975 and 1976 and 1977.

But the administration's policy has been governed by something else—a political determination that American security requires stable, conservative Iranian and Saudi Arabian regimes. It is assumed that downward movement in oil prices would threaten both regimes, perhaps undermine them, putting additional pressures on the Arab-Israeli problem and leading to an expansion of Soviet influence in the area. But there are also very serious results from continued high price, including erosion of US economic leadership and instability in Western Europe and the fourth world. The Communist gains in Italy must be attributed in significant measure to the oil-induced economic crisis in that country. We may in fact face a choice between stability in Western Europe and stability in Saudi Arabia and Iran. If that should prove to be the case, the former is more important, for even if the radical regime does come to power in either Saudi Arabia or Iran, it would still need and want to sell its oil just as badly as the present governments.

But the administration has refused to see the issue in those terms, to see the worldwide links between politics and economics. Instead it pursues a shortsighted policy of selling any and all kinds of arms to Iran and Saudi Arabia under the impression that they can cement those two countries into a permanent pro-American position. That impression is mistaken. Weapon systems, even advisers and training, do not guarantee a political orientation, as Soviet difficulties in Egypt and our own with Turkey so clearly show. You end up your client's client. Moreover, it would take one assassin's bullet or one quick coup to transform the situation in Iran, and make a gift of some very sophisticated weaponry to an Iranian Qaddafi.

The United States should use its economic power to meet the challenge of OPEC. Last week Mr. Ford said that an OPEC price rise would be very disruptive and totally unacceptable. Such words themselves, as usual, will prove insufficient. But the US probably could scare off OPEC from that October price hike, with its serious consequences—if it moved now on three fronts.

First, Washington could make clear to the American oil companies that it does not look with favor upon their functioning as distributors of cutbacks, and sparing OPEC that problem, as has been the case. The oil countries, it should be noted, have backed off from complete nationalization because they realize that they can manipulate the companies and that they require the companies' services to keep their operations rolling during a time of slack demand. "Once our properties are nationalized, a producing country no longer has any whip to force us to take its crude at its price," observed Bob Dorsey, chairman of Gulf. The US ought to be whipping the bruised oil giants in the other direction.

Secondly, the US, instead of rushing to build "special relationships" with Saudi Arabia and Iran, ought to

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recall its special relationship with the United Kingdom, and consciously decide that Britain's well-being and rapid North Sea development are primary American interests. We could give priority to oil equipment for the North Sea in order to break bottlenecks and assure rapid development. We could indicate to American oil companies that they cannot expect unqualified American support in their tax controversies with the British government and that the US does not look benignly upon North Sea slowdowns. We could also make available loans at very low rates to the British government for North Sea development. Such help would not only speed up production but would also be read—and rightly—in Iran and Saudi Arabia as a major political statement by the United States.

Finally, conservation must become meaningful in the United States. It has ceased to be a high-priority item at home, if it ever was. The record is one of complete failure in the country of greatest waste. Notice for instance that Sweden enjoys almost the same gross national product per person as the United States, and yet we use almost twice as much energy per person. Yet, with much less fat to cut, and with a much colder climate to endure, the Swedes cut oil consumption by nine percent in 1974, while we managed only a four percent cut. The United States is also helping the cartel by increasing its dependence on Arab oil, particularly that of Saudi Arabia. Most Americans know they are wasting gasoline, many no doubt feel a little guilty about it, but there is no incentive—either in the form of much higher prices, rationing or even serious exhortation—to save gasoline. How many major companies still encourage employees to form car pools? Savings could be immediate, and further savings could come more quickly than most people suppose. It turns out half of all the vehicle miles driven each year in the United States was driven in vehicles under four years of age. And so if Washington quickly gives a clear message to Detroit, we could soon see major gasoline conservation.

If the United States moved in these directions, we could accentuate the cartel's problems instead of helping to solve those problems at our own and the rest of the world's expense. We could also then convince the other industrial nations that we really are opposed to the high price of oil. Instead of being passive partners in another October of price hikes, and others in 1976 and 1977, we could take the lead in putting some sense and security back into the price of oil. We should be promoting the crisis in OPEC, for a crisis in the oil cartel may be the only way to save the rest of the world from a far more threatening one.

Soft on Military Hardware

Congress and the Pentagon

by Peter J. Ognibene

The November elections portended a significant change in the way Congress would deal with the military. With more liberals to bolster the growing bloc of Pentagon critics in each house, there was a good chance this minority would become a majority.

The earliest indications were, in fact, quite positive. The Democratic caucus in the House of Representatives dumped three committee chairmen, all conservatives, including Rep. F. Edward Hébert, the Armed Services chairman and, by his own description, "loudest of the hawks." A few weeks later the House and, subsequently, the Senate voted overwhelmingly to kill the F-111 fighter: the first time in recent years a major military program had been halted by floor action. To me it seemed that Congress had finally begun to take seriously its constitutional power "to raise and support armies" and was now prepared to assume, with the Commander-in-Chief, the full partnership in military affairs the Founding Fathers had intended. Recent events, however, have decimated that hypothesis.

The Senate in the first week of June and the House two weeks before passed military procurement authorization bills nearly identical to those reported by their armed services committees. Although Sen. John Stennis, the chairman of the Senate Armed Services Committee, asserted that "this is actually a committee-written bill," as a practical matter neither the Senate version nor the House's differed substantially from

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what the Pentagon had asked for. Although each committee claimed it had made major cuts, the purported "savings" were more deceptive than real. The two major "reductions" were aid to the now-defunct Thieu government ($1.3 billion) and shipbuilding overruns (one billion dollars) which were merely deferred for a year. "Taking that out of the bill now does not solve the problem," said Stennis of the overruns. "We will have to come back [next year], and more money will have to be appropriated."

The case for many of the programs that the Pentagon wants developed was weak. Yet when House and Senate critics challenged these marginal projects on the floor, in every instance but one they were defeated. The lone exception was an amendment by Sens. Edward Brooke and Hubert Humphrey to prohibit testing of the maneuvering re-entry vehicle (MARV), a terminally guided warhead of such great accuracy that it would threaten the present invulnerability of underground Soviet missile silos. The amendment passed by two votes, but because a similar measure in the House was rejected by a margin of more than two to one, its chances of surviving the House-Senate conference committee are not very good.

The reason the Pentagon got nearly all it requested can be summed up in a sentence: the government is rudderless. President Ford and Secretary of Defense James Schlesinger have made no serious effort to adjust America's defense posture to the realistic requirements of foreign policy, and Congress lacks the leadership to take the initiative. Indeed cynics doubt that the United States actually has a foreign policy. What it does seem to have is a passionate desire to stand pat, give more money to the military to convince the world of America's strength and hope like hell that our problems abroad will go away. "The weakness of the United States," observed Sen. Adlai Stevenson, "is not caused by insufficient arms but by insufficient wisdom. Our judgments are out of balance and out of touch with reality. They lack a feeling for history and principle. They have been angry, impulsive and irrational—unguided by any sound policy. Its military spending is indiscriminate. It buys fat as well as muscle—insecurity as well as security."

Stevenson's suggestion that our military posture be predicated on a "wise" foreign policy was echoed in the remarks of most liberals and some conservatives. But others argued forcefully that defense and foreign policy were separable and that the former should, in effect, drive the latter. The purest expression of this point of view came from Sen. Howard Baker: "I do not think it is possible to relate a treaty commitment, a foreign policy requirement, directly to a weapons system . . . I do not believe the B-1 bomber can be related to our situation in Egypt, any more that the Trident submarine can be related to the situation in the Indian Ocean or Saudi Arabia. I think the totality of them have to do with the total image of the United States and its credibility in the formulation of its foreign policy . . . I believe it is essential that we proceed with the show of resolve and determination. I believe that the translation of that resolve and determination is the adoption of this bill in essentially its present form. I believe that it will be viewed by the rest of the world as a significant act by the United States at a sensitive . . . time."

Stevenson's and Baker's remarks were characteristic of the two major, clearly irreconcilable, themes that ran through the debate. Critics of particular weapons or troop deployments abroad would argue that the matter under scrutiny served no legitimate foreign policy need. Instead of refuting them and making the case for the requested item, proponents generally resorted to vague notions of "total image" or a "show of resolve and determination." Considering that the Armed Services Committee had compiled some 6000 pages of testimony—much of which the Pentagon would call "hard data"—the fact that the bill's supporters had to fall back on "soft" arguments indicates they were aware of the weakness of their case in many instances.

Using soft arguments to sell military hardware is not a new tactic for Pentagon advocates. The Nixon administration, for example, premised its case for the Safeguard anti-ballistic missile system less on its military utility than its purported value as a "bargaining chip" in the US-Soviet strategic arms limitation talks. Similarly former Secretary of Defense Melvin Laird accelerated development of the Trident ballistic-missile submarine and rationalized his move as a "signal to the Soviets . . . in the face of a growing Soviet threat." We have been paying for the shortsightedness of such gamesmanship with the defense budget ever since.

Take Safeguard as an instance. Only one site of 100 launchers will be completed; its final cost will be about six billion dollars; the army will deactivate it soon after it is deployed. With Trident the US accelerated itself into a design for the submarine three years sooner than originally planned and has been trying to back up ever since. Many analysts are convinced that a smaller boat with fewer launch tubes would have made more strategic sense and even the Pentagon has come to accept its critics' contention that three boats every two years is a more realistic construction schedule than three a year. In fact the shipyard has such a backlog now that there is some doubt it can even meet the slower schedule. Moreover because the Trident 1 missile can be used aboard present Polaris-Poseidon submarines, the construction of a new boat could have been delayed until the 1980s without compromising our undersea deterrent. The current cost estimate for the first 10 Tridents—$16 billion—is four billion dollars more than the original projection.

The waste in these and other programs has come about in large measure because policymakers have not realized how crude and ineffective the defense budget is when wielded as a political instrument. Unlike

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diplomatic gambits, which can usually be adjusted, switched or simply abandoned by a competent negotiator, playing games with the military budget requires substantial investments. These programs may originally have been planned as "signals," but they soon gather constituencies of their own in the military, industry and Congress and gain momentum out of proportion to their intrinsic value. The result in the case of Safeguard was an exorbitantly expensive ABM we will soon abandon. With Trident we went into production too soon with what may have been the wrong boat. Unfortunately recent events suggest Congress has learned nothing from such mistakes.

This year the language of Pentagon advocates once again ran to the abstract. Schlesinger set the tone early by lamenting that "the illusion of American omnipotence" was turning into "a perception of American impotence." Elaborating that theme, Stennis asserted in the debate: "We are down to a level now, in view of world affairs and our own security, where the committee believes we are about as low as we should go until at least some of the dust settles." Now was no "time for us to be taking chances, shaving things too thin." Others spoke about the importance of sending "the right signal," avoiding "the wrong signal" and in general creating "perceptions" or "images" of "strength." The preoccupation of so many senators with such code words tended to obscure the concrete issues before them.

One issue, manifested in several amendments, was the development of nuclear weapons that could dangerously escalate the arms race. In spite of the tremendous waste of Safeguard, the Pentagon wants to develop and test the Site Defense ABM, a system that would defend Minuteman missiles but could not be deployed unless the US were to abrogate the ABM treaty. A somewhat related amendment sought to eliminate all funds for developing the sort of highly accurate missile warheads that would threaten the survivability of Soviet missiles in underground silos. Such "counterforce" weapons are absolutely unnecessary for a retaliatory action; they would be indispensable, however, if our objective were a surprise, first strike on the Soviet nuclear arsenal. Instead of addressing the issue squarely and rebutting critics of these programs, the counterforcers fell back on slogans. "We have been improving accuracy since gunpowder was discovered and the means to deliver it," said Sen. Henry Jackson. In that same vein Sen. Strom Thurmond suggested that "if a man buys a rifle to go out here and shoot game, he wants to get the most accurate rifle possible." The subject, mind you, was nuclear warheads, not squirrel guns.

Another matter that got less attention than it deserved was the airborne warning and control system. (See "AWACS: The Plane That Would Not Die," *TNR*, April 13, 1974.) Since 1972 Sen. Thomas Eagleton has been investigating AWACS and making such an effective case against the plane that the Pentagon has been driven to desperation tactics. The plane has had, for instance, three missions in the last three years. Originally AWACS was to provide the United States with *strategic defense* against low-flying Soviet bombers. When the ABM treaty restricted ballistic missile defenses, the case for a new bomber defense went out the window. But instead of scrapping the project, the air force simply gave AWACS a new principal mission, that of *tactical offense* in a European war. That also went by the boards because it was subsequently discovered that relatively inexpensive jammers would be able to black out the plane's radars if it got too close to the East European border. AWACS' mission was then changed to tactical defense in the more friendly skies of Western Europe. At $118 million apiece, AWACS is the most expensive plane ever built, and the final price tag may rise to $150 million before the program is completed.

From a planning estimate of nine billion dollars, the B-1 bomber has shot up to $21 billion and is still climbing. The plane is being built on what the Pentagon calls a "fly before buy" basis, but the cost of its research and development alone will be nearly four billion dollars. Presumably that will be enough for the air force to answer the question: will it fly? Unfortunately it's the wrong question; the right one, so far unanswered, has always been: is it necessary? Because the B-1 would be only a marginal improvement over present B-52s and FB-111s, there has never been a compelling case for mass production. Although the Senate Armed Services Committee expressed some doubt about the wisdom of the project when it eliminated advance production funds, it merely put off the day of reckoning another year at a cost of three-quarters of a billion dollars. If the plane is killed in 1976, when a production decision is required, the government will have nothing to show for its four billion dollar R&D program but four museum pieces.

The Pentagon's budget posed hard questions for Congress, all of which the legislature ducked. The fall of the Thieu and Lon Nol governments in South Vietnam and Cambodia, the possibility of Portugal becoming an Iberian Cuba and the increasing instability of Greece and Turkey on NATO's southern flank are some of the problems that have spawned concern and self-doubt in this country. But instead of forthrightly addressing these problems and engaging Congress in the process of devising a relevant foreign policy and military posture, the administration chose to exploit fear to sell a defense budget that is as inappropriate to present circumstances as it is inordinately expensive. What's new about this year's budget is its higher price.

"The defense criteria should be sufficiency," argued Sen. Mike Gravel. "What it is now is unlimited. Whatever fear will buy, go use fear and buy it." That, I submit, is what the Pentagon sold, and Congress bought.

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Ensuring Domestic Tranquility

Platitudes About Crime

by Nathan Lewin

Back in April, Gerald Ford, an alumnus of the Yale Law School, indicated in a speech at his alma mater that he had a special personal interest in the development of an effective program to combat crime. So it was with more than average fanfare that the President's "crime message" to the Congress was unveiled on June 19. Attorney General Levi—who has heretofore enjoyed a solid reputation for honesty and sobriety—put in an appearance and proclaimed that the message was "strong and complete," as well as "balanced." When asked whether he really thought that enactment of the proposals in the message would affect the crime rate, he replied, "The crime rate is going up. What I would say is that the enactment of this program will, so far as we believe, have a decisive effect in minimizing an increase, and it ought to result in a decrease."

This profession of belief was not made under oath, of course, and it is difficult to imagine that so sophisticated an observer as Mr. Levi could honestly have any such hope for the melange of singularly mindless time-ravaged proposals that make up the message. One need only leaf through the crime pages in the daily newspaper to see that those engaged in lawbreaking are doing so in ever more artful and ingenious ways. Compare their originality with the vapidity that presidential advisers have shown, and one can't help but wonder whether one reason for increased crime in this country is that better minds have been put to work breaking laws than enforcing them.

The grandest innovation in the crime message is a rhetorical one. The days of "law-and-order" are over; that phrase is too closely identified with the distinctive meaning given it by Nixon and Mitchell to be useful to Ford and Levi. So we now usher in the era of "domestic tranquility"—a soothing term plucked from the preamble to the Constitution and turned, in the President's crime message, into a "constitutional guarantee."

How is domestic tranquility to be achieved by federal law? The President tells us first that federal criminal laws should undergo comprehensive reform—a proposition on which, he says, "everyone will agree." There has long been enough agreement on the subject that a national commission chaired by former California Gov. Pat Brown did a thorough study of the federal criminal law several years ago, and a proposed new federal criminal code it recommended was the subject of extensive hearings before the Senate Judiciary Committee in the 93rd Congress. The Ford message takes no position on many controversial issues related to that 753-page bill (now marked as S.1 in the 94th Congress), but somberly encourages "responsible debate" and predicts, with characteristic daring, that "issues can be clarified and differing interests accommodated."

On one major substantive question does the President offer a specific suggestion, foreshadowed somewhat by portions of his speech at Yale. Implying that the fault for the increase in crime is the courts', he favors mandatory minimum sentences for those convicted of certain violent offenses. Individuals who commit federal offenses using dangerous weapons (presumably bank robbers and extortionists), those who commit "such extraordinarily serious crimes as aircraft hijacking, kidnapping, and trafficking in hard drugs," and "repeat offenders" who commit federal crimes that cause or may cause personal injury will have to go to jail under the Ford proposal. "Too many persons found guilty of serious violent crimes," says the President, "never spend a day in prison after conviction."

Can this be taken seriously as a solution—even a partial one—to the crime problem? How many people convicted in federal courts of bank robbery or violent extortion or kidnapping or airline hijacking have been treated gently by federal judges? How many have "never spent a day in prison?" The President's call for "mandatory minimum sentences" made the headlines in both April and June, and it is sure to win him some law-and-order support. There are many voters around who believe that a principal cause of crime is that convicted criminals are not locked up for life. Every incident of recidivism reported in the press is viewed as proof of the laxity of the courts; if the offender had not been released—whether he actually served 10 years, 10 months, 10 days or not at all—he would not have committed another offense.

The message says a mandatory sentencing program is not designed to be vindictive toward offenders. It is, insists Mr. Ford, only "protection of the innocent victim by separating the violent criminal from the community." There is a certain yahooish logic in any proposal that results in more jail time being served by convicts. While in jail, the "violent criminal" is not on the streets

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and is therefore, not tempted to commit other crimes.

But no serious criminologist today views "separation from the community" as the principal objective of imprisonment. We send people to jail to deter others from committing crimes and, hopefully, to rehabilitate the offenders. Enlightened judges try to make their sentences fit the criminal, not just the crime. If "separation" were the goal, no one could improve on the cheap and effective "separation" measure used by the common law for centuries—capital punishment for most felonies. We are civilized enough today to be shocked by excessive sentences, even though they may effectively keep offenders far away from us.

There are at least three things wrong with the President's mandatory sentencing proposal. *First,* it deals directly with a problem that does not exist, with a situation that has been created from whole cloth by the President's speechwriters. *Second,* it is unlikely to have any deterrent effect on those who commit crime. And *third,* its adoption will have serious incidental consequences that may do great harm to the criminal justice system.

No one who has practiced criminal law in the federal courts, as I have, can accept Attorney General Levi's glib assertion that, in sentencing those guilty of crimes of violence, federal judges have "failed to live up to a very hard part of their job." Nor is it my experience that—as asserted by Mr. Ford—"imprisonment too seldom follows conviction, even for serious offenses." Murder, robbery, rape and assault are not usually federal crimes, so that federal judges have little occasion to deal with individuals who commit such crimes. There is great disparity in sentencing practices among federal judges in the areas of tax evasion, fraud and other white-collar violations. But in the relatively rare instances when they come across crimes of violence (which is all that would be covered by the Ford proposal), virtually all federal judges are horrified by what they see and hear, and they end up handing out much more severe sentences than their counterparts in the state judicial systems.

What would be the deterrent effect of a system of mandatory minimum sentences? If nearly all people subject to such terms are receiving equal or greater sentences today without prescribed minimums, there would obviously be no added deterrent if a law were passed setting minimum sentences. The law would only formalize the known regular practice. Assume, however, for argument's sake that the President is right and that "imprisonment too seldom follows conviction" of violent offenses in the federal system. Does it follow, as the message insists, that "reasonable mandatory minimum sentences can restore the sense of certainty of imprisonment upon which the deterrent impact of criminal law is based"?

Mandatory sentences provide "a sense of certainty of imprisonment" only *after* apprehension, *after* formal charge, *after* trial and *after* conviction. How does that affect the potential bank robber or kidnapper? Is it remotely conceivable that in weighing the risks of criminal conduct he considers that if he does his deed and is then caught and tried before a jury and convicted, a federal judge may be kind enough to let him walk out without serving any prison time? Surely the most effective form of deterrent would be "a sense of certainty of apprehension," and the next most effective would be "a sense of certainty of trial and conviction." Does the Attorney General believe that there is alive today a robber, kidnapper, hijacker, hard-drug dealer or other "violent criminal" who schemes that if he is caught and charged and convicted in a federal court, he will escape unpunished? The odds against being found out are great, and the odds against being convicted—even if arrested—are significant. But to view the "sense of certainty of imprisonment" *after conviction* as motivation in a potential lawbreaker's mind is to engage in an unreal calculus.

These two considerations would alone be enough reason to reject the Ford minimum-sentence proposal, but there are other consequences that make the proposal not just useless, but actually harmful. Lay to one side the individual situations where the mandated minimum will produce a demonstrable injustice. (Even the Ford proposal has an escape hatch for offenders who are juveniles or who are "mentally impaired" or "under duress" or who were fringe participants in the commission of a crime.) Consider only the effect that such inflexible statutory rules will have on wide-ranging prosecutors' investigations and on the related process of plea-bargaining.

An attorney for an accused bank robber or kidnapper has some reason today to negotiate with a federal prosecutor in order to secure a better deal for his client than he would get if he proceeded to trial and were convicted. To facilitate such negotiation, new rules of procedure that are scheduled to go into effect in federal courts on August 1 permit the striking of a bargain between a prosecutor and a defense lawyer conditional on the judge's willingness to impose a sentence that the lawyers and the defenders have agreed upon. But what incentive will there be for plea bargaining if the law imposes a mandatory minimum that is approximately

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on August 9 and 23

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what a judge would mete out if a full trial were held?

The most probable and immediate effect of statutory minimum sentences would be a reduction in plea bargaining. Prosecutors, particularly in the federal system, are often able to use bargaining as a means of obtaining evidence. For example, one participant in a bank robbery committed by several may be given a reduced sentence in exchange for his cooperation and information he provides regarding others. A law prescribing mandatory minimum sentences would tie not only a judge's hands, but also a prosecutor's; no longer would prosecutors be able to hold out the possibility of a lighter sentence to one trafficker in narcotics in exchange for information leading to others higher in the chain of command.

The President's message recognized that "most violent crime is in the jurisdiction of state and local criminal courts," and it proposed a federal system of mandatory minimum sentences as a model for states to copy. But it would be on the state level that the disincentive to plea bargaining would be most crippling to the criminal justice system. If states set substantial mandatory sentences for crimes such as robbery, rape and assault, criminal defense lawyers will no longer have legitimate reasons for pleading clients guilty. An accused who is told that a judge will have to impose a prescribed minimum prison term even if a plea of guilty is entered has little reason to offer the plea. The result will probably be more trials of offenses covered by minimum-sentence statutes, a greater drain on prosecutorial and judicial resources, maximum delay in disposition of these charges (since many will have to await trial), possible acquittal of more defendants charged with these crimes—and possibly less deterrence to the commission of the underlying offenses.

There are solid arguments to be made for the proposition that plea bargaining is wrong and should be abolished. But the courts have recognized that unless the criminal justice apparatus is enlarged to many times its present size, abolition of plea bargaining would bring the system to a halt. There are simply not enough judges, lawyers, courtrooms and supporting personnel, equipment and services to give every accused in this country a full trial. It might be a more useful and innovative course than the one it has chosen, if the federal government were to consider fighting crime by providing the funds to multiply local criminal justice systems to several times their present size. Enough unemployed lawyers are being turned out of law schools today to man local public defender offices and, ultimately, to become local prosecutors or judges. It would be a much more effective deterrent to street crime if a potential lawbreaker knew that his only chance lay in avoiding detection and apprehension, and that, if caught, he would probably be tried promptly and punished. A system with no room for pre-conviction bargaining under which every accused would have a speedy trial would probably have the greatest deterrent effect.

What does the Ford message do for the prosecutors' offices? Again, it dreams up hypothetical problems. "Prosecutors often lack information on a defendant's criminal history and thus cannot identify habitual criminals who should be tried by experienced prosecutors and, if convicted, sent to prison." Where and when has it been a problem for local prosecutors' offices to obtain "rap sheets" on those whom they accuse? The FBI's information retrieval system usually works, and it is hard to think of any case where a prosecutor released a hardened or habitual criminal because he did not know who he was. The message tiresomely suggests "improved management techniques" as the way of obtaining "swift and sure punishment for crime."

The other minor proposals are similar in tone and substance: One is a federal program to identify "habitual criminals," assign "experienced prosecutors" to their cases, and ensure that they receive "appropriate sentences." It is almost as if Mr. Ford is satisfied that several dozen such malefactors are responsible for all the muggings in the United States. If we could first find them, make sure that no one overlooks or forgets their cases (or how dangerous they are), appoint hardened district attorneys to present the evidence in court, and force fuzzy-minded judges to do the public's business, "domestic tranquility" would be a present reality, not an impossible dream.

Organized crime comes in for its honorable mention. The new criminal code, says the message, should make it a federal crime not merely to engage in specific criminal businesses such as gambling, loan-sharking or narcotics, but also "to operate or control a racketeering syndicate." If evidence establishes that such a "syndicate" operates an illegal business, existing law would probably make anyone operating or controlling it guilty of a federal offense. If, on the other hand, it is not tied to a demonstrably illegal business, it is hard to see why anyone operating or controlling it should be convicted of a crime or sent to jail.

In his various public pronouncements, Mr. Ford has demonstrated that he may just be the most platitudinous President we have had in this century. Years of congressional palaver—particularly as a party leader—generate habits of mind that are not easy to shake. But the serious crime problem in the United States will not yield to the sort of pieties that win votes back home. Several years ago, a passel of congressmen issued public statements attacking the Supreme Court and asserting that its procedural protections for criminal defendants had contributed to the growing crime rate. They proposed overruling the Court with federal laws that would admit the kind of evidence that the Court had excluded. Observers remarked then that dealing with the crime problem in this manner was like treating a brain tumor with aspirin. The Ford message does that one better. It prescribes a placebo.

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Stanley Kauffmann on films

The Fortune

(Columbia)

Love and Death

(United Artists)

Jack Nicholson is back among the living. After *The Passenger*, where anesthesia was his symbology for depth, he is back in a farce and is giving his best performance in a certain vein since *Easy Rider*. Nicholson's strengths, as he has shown them so far in his career, lie in a wide range of the American rural: from the tight-mouthed and scary, as in *Five Easy Pieces* (even though he was a musician), to *Easy Rider* where he had the sweetness of a lovable rustic goof (even though he was a lawyer). In *Chinatown* the tone of his role lay somewhere in the middle: experienced and hardbitten but still something of a victim and dupe. Now he is back in the *Easy Rider* vein, amplified to the farcical.

In *The Fortune* he has to *work*, as actors always have to do in farce. The period is the 1920s—very congenial to him because the quintessence of his character is a kind of crafty credulousness. Without his hairpiece (apparently) so that two arrowheads zing back into his frizzed hair, he applies lashings of energy, of Yankee git-up-and-git, to ridiculous ends, with a nice blend of confidence in his own cunning and in society's acceptances. There seem to have been more people like that 50 years ago than now, and Nicholson fixes the quality with charm.

It's a triangle story, and Warren Beatty is Part Two, with his hair slicked à la Valentino. He too is much more engaging than he was in his last film. The mere activity involved in the rushing and tussling of the plot seems to break him forward, at us, more effectively than did his fake phallic power in *Shampoo*. He doesn't have Nicholson's range from introversion to extroversion—Beatty's flavor is much more heavily the former—but he plunges in here with zest and fair timing.

Part Three of the triangle is a young woman named Stockard Channing, a newcomer who is very welcome. The American theater (and film) has a small subtradition of upper-class young women, who used to be called "society girls," going on the stage and getting initial mileage out of their being and breeding. Hope Williams was a famous instance in the '20s and '30s; then there was Katharine Hepburn. Channing is in that line. You have only to glimpse her manner, to hear her accent and her voice—with its slightly sinus-y quality that suggests sexy intelligence—to know that she comes from the class that likes to think of itself as the American aristocracy. Well, why shouldn't they have screen representation too—particularly in a person of gifts and appeal? Channing's airiness, her slightly chunky good looks, her wit, which is equally clear in her drunk scenes and her sex scenes, are unique and taking.

The casting of Channing, relatively unknown after some nine years' work in the theater and only some bits in film, was due to the perception of the director, Mike Nichols, whose fine hand with actors is also visible in the improved work of Nicholson and Beatty. Nichols too has returned, at least in his work with actors, from the slumber of his last film (*Day of the Dolphins*). Now if only he would recover some sense about scripts.

This screenplay, by Adrien Joyce who wrote *Five Easy Pieces*, is simply bad: a complete misconception of the very idea of farce. Joyce seems to think that any controversion of usual behavior is funny, but sometimes it's only controversion.

Beatty, married, loves Channing. In order to take her to California from New York without violating the Mann Act, a federal law prohibiting the transportation of females across state lines for immoral purposes, Beatty gets his pal Nicholson to marry her, and then all three proceed to Hollywood. (Their apartment out there looks like a leftover from *Day of the Locust*.) Matters complicate, unsurprisingly. The latter part of the picture is a surprise: it's devoted to the two men's efforts to murder Channing for her money. They try, bunglingly but very earnestly, to kill her. This is not funny. The fact that it all ends merrily doesn't help. Death is often an element of farce, on the edge or as a threat to central characters, but the serious effort of one central character, let alone two, to kill another is not farcical. In farce we laugh at the protagonist's frustrated attempts to do something we want him to succeed at. That's flatly impossible here. And it makes the reconciled ending even a bit distasteful. Where were Nichols' wits?

Wandering, in this regard, and wandering stylistically as well—he inserts a mock-Bertolucci tango scene just to parody *Last T. in Paris*. What he did get, however, was some good acting, which he wasted on a dim script.

Woody Allen likes to parody other films, too. In *Bananas* he had a baby carriage that kidded the Odessa steps sequence in *Potemkin*. In *Love and Death*, which he wrote and directed and stars in, he's back kidding that sequence with a cracked eyeglass lens and with Eisenstein's stone lions in reverse order. Bergman's *Seventh Seal* gets a considerable nudge as well. And for poetry buffs there's even a gag on a line from "Prufrock."

I'm sorry about all this because Allen doesn't convince me that he's really interested in this kind of parody. The proof is that every bit of the above could be eliminated without substantively hurting his picture. The famous-film-and-poetry references seem like secret handclasps for fellow lodge members to prove he's not just another comic. I'm doubly sorry because this is his best-directed film so far, and a lot of the script, unlike much in his past, comes up off the page and moves. He still has sections that might be funnier to read than they are in performance: *e.g.*, an

(continued on page 33)

Films Worth Seeing

French Connection II. Not the same texture as *FC I*, but Gene Hackman is good, and there's excitement.

Monty Python and the Holy Grail. English spoof of England's Arthur. Few guffaws but likable lunacy.

Nashville. Country music as a locus for viewing the US. Its impact is in its size and structure, rather than its penetration.

The Passenger. Antonioni. Reason enough to see it. There aren't a great many more reasons.

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Provincialism in Literature

by Ellen Douglas

Provincialism and parochialism are words that make one think immediately of limitations—of pettiness and narrowness of opinion, of subordination to a rigid authority, of devotion to one's province and, by contrast, of indifference to the outside world; in short, of a mind hedged in by a larger world of which it knows and cares to know nothing. For the Southerner, two members of the species "provincial writer" come to mind: ladies who write novels about hoopskirted heroines dallying in the moonlight with gallant gentlemen; and gentlemen who write novels about good country people with their coon dogs and corn pones.

But provincialism and parochialism have senses other than the pejorative. There is everything to be said from the novelist's point of view, for an attitude toward one's work grounded in a narrow personal conviction; and for a love of—an obsession with, whether in love or in hate—one's own province, be it Mississippi, middle Tennessee or Brooklyn; Paris, London or the Russian steppes. And this seems to me to be more true now, in this period of history, than it has ever been.

For provinces and parishes are vanishing, taking with them the settings, the characters, the very life of the novel and the story.

Marshall McLuhan wrote that soon we will all be living in what he called the "global village." Through the insinuation of radio, televison and travel (as intimately into the lives of every villager in Central Africa as into the lives of American viewers of the "Johnny Carson" and the "Today" shows), everybody in every society will (perhaps already has) come to know intimately the people and ways of every other society. The differences that used to be marked by barriers like mountain ranges and national boundaries and foreign languages will vanish and we will all become like each other.

But to the novelist the global village is a global stew pot where we are all in danger of being stirred, centrifuged and cooked to bits—until every scrap of the human stew is flavored with the same seasoning and pounded to a uniform pastelike consistency.

If such a notion is abhorrent to every self-respecting, eccentric, crotchety, individual human creature, it is worse than abhorrent to writers of fiction. To them, the homogenization of cultures does not mean the universalization of their art, but the universalization of Johnny Carson, a prospect so horrifying that you will see them on every side taking possession of their provinces and preparing to defend them.

The ground of art is always in the particular. No use to talk to the novelist in abstract words like hate and love and greed and death and the "meaning of life." He will put the meaning of life in a story by showing you the way the old man takes out his false teeth at night and drops them into the glass on the table, or even the way he forgets to take them out and loses them in the bed clothes and sends them to the laundry by mistake.

He knows that all human experience is provincial in the sense that it is the experience of a particular time and place, happening to a particular person, and that to write of human experience, every writer must one way or another become the ruler of his own country in the way that Faulkner is the ruler of Yoknapatawpha County—must strive to realize his province and its people in all their fascinating and idiosyncratic detail. It is only through this kind of provincialism that a writer's work strikes whatever note of universality it is going to strike.

Flannery O'Connor, a Southerner and a Catholic, removed herself from the secular, convictionless global village and built her life in a specific place and on a specific faith. She wrote: "As a novelist, the major part of my task is to make everything, even an ultimate concern, as solid, as concrete, as specific as possible. The novelist begins his work where human knowledge begins—with the senses; he works through the limitations of matter and unless he is writing fantasy, he has to stay within the concrete possibilities of his culture. He is bound by his particular past and by those institutions and traditions that this past has left to his society. The Judaeo-Christian tradition has formed us in the West; we are bound to it by ties which may often be invisible, but which are there, nevertheless. It has formed the shape of our secularism; it has formed even the shape of modern atheism. . . .

"The writer learns, perhaps more quickly than the reader, to be humble in the face of what-is. What-is is all he has to do with; the concrete is his medium and he will realize eventually that fiction can transcend its limitations only by staying within them."

In O'Connor we see the masterful presentation of the universal through the particular, the provincial. Consider, for example, "A Good Man Is Hard to Find," where the evil in human hearts, and the possibility of grace, the gift of love, are made terrifyingly and magnificently real in the lives of ignorant and limited people on a Southern backwoods roadside.

In this sense, then, we must rejoice when our writers are provincial and parochial.

As for the provinces we live in, the *real* places that we perhaps think of as our homes, we may believe to begin with that we apprehend them through our own experience; but the more we read and compare, the clearer it is that we see them through the eyes of our writers. We would be crippled and limited without the insights that fiction brings to our provincial reality.

No Southerner who has read Faulkner will ever be able to think of the South without the overlay of Faulkner's vision on his own; Jefferson and Frenchman's Bend, the Snopeses, Lucas Beauchamp and Temple Drake have entered into our way of perceiving our region. For the greatest writers, the most pervasive influences, this is true even if we have not read their books, because the books and stories of other writers, the movies and television shows, even the advertisements, have been created by people who have fallen under their powerful influence.

Thus we see the past of our country and the history of the Western world as much through the writers of fiction as through the writers of our history: Puritan America through Hawthorne, 19th-century Russia though Dostoevsky, modern Germany through Mann. And we continue to see thus through one writer's eyes until another comes along powerful enough to transform our perceptions.

Suppose a person has no province. Suppose he is cut adrift in the "Johnny

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Carson," "Today" show global village and feels no allegiance to any human being or to any place or to any idea. Isn't that the human condition for huge numbers of people nowadays? They are no less human beings for being without a home, no less intelligent or talented. Can't they be writers of stories and novels?

Indeed that is precisely what I am saying. It may well be impossible for a writer to create serious fiction, fiction with the print of the craftsman's thumb on it, fiction that will continue to be read, unless he belongs somewhere or has a sense of a place where he should belong, from which he is absent: in some milieu the concrete, specific details of which he can make real to us. He must be able to say, this is where I am and this is what it's like to be here. Or, this is where I was and this is the place to which I long to return. Or, this is where I am going, if I can get there. Or, most terrible of all, this is the only place I know and I hate it and I know there must be some better place to be.

In short, a province or a parish, the details of whose scenery are engraved upon his heart and the people of which are as familiar to him as his own face in the mirror. This kind of provincialism will never make a bad writer of anyone.

The novels of Balzac and Tolstoy and James are fascinating; and the complex, sophisticated, urban society that is their setting—the glittering panorama of the "great world"—is a part of what makes them fascinating. But not *because* it is the great world. The great world in a book can be dull or fraudulent or flat. But Tolstoy, Balzac and James can make the great world *their province*. They master it and know it down to its most intimate detail and they can therefore make it real to us.

And when their work fails, as it does, for example, with James when he tries to make real the world of working people in a story like "In the Cage," it is, in part, because he has stepped outside the sophisticated society that is his native province. He doesn't know the intimate detail or feel the brutal reality of his heroine's life.

When we think of writers whose lives are limited and whose work, as it seems, should have been damaged by their confinement to a narrow provincial or parochial world, we think usually of female writers, because in the past women have often been forcibly limited in this way. But then, if we examine the work of the most closely imprisoned of these writers, we see that, after all, things did not turn out for their work as we might have expected. Even the writer most drastically limited by the world she lives in is able to write lasting books: the Brontë sisters, stuck away in their father's parsonage; George Eliot, growing up in a rural society where women were meant to marry and bear children and churn butter and keep the house sparkling; Virginia Woolf, turned away, as she tells us in *A Room of One's Own*, from a great university library because she was a woman.

Indeed these women were able to turn the limiting circumstances of their lives into the very stuff of their work. George Eliot recalled herself as she had been—a passionate, intelligent, idealistic girl, fighting to be free of the limitations that her society imposed upon her and believing at first that she could find herself only through serving a worthy man—she drew upon those memories and created the character of Dorothea Brooke in *Middlemarch*, a girl, passionate, intelligent and idealistic, trapped and crippled by those very limitations, who marries a man for those very reasons and lives to regret it every day.

The most bizarre example of the crazy writer who stays at home and does her work is Emily Dickinson. She limited herself, not simply to a province or even to a town, but to an upstairs bedroom and the company of her immediate family. How could this neurotic, this confined, this limited woman speak with authority not simply to herself and her family, but to all women and all men? And why is it that other writers with a wider range and wider experience fail to transmute their experience into lasting work, to strike a universally resonant chord.

The answers to these questions lie in the avoidance of another kind of provincialism. Virginia Woolf was turned away from the Bodleian because she was a woman; but she was not turned away from her father's fine library. She did not, therefore, suffer from the intellectual provincialism that has nothing to do with the size of the city one lives in, the wealth or power of the people one associates with, the breadth of travel or sexual experience, but with one's knowledge of power and over a craft. *Here*, not in life experience do we separate the skilled artist from the writer whose work never rises above the level of the county weekly or regional magazine or the slick, mass-produced entertainment. For the serious writer of fiction, the "great world" is the world of books—the written word since men began to write words down. His obligation to his craft is to know and understand as much of the literature of his culture and of other cultures as will be useful to him in his work and will broaden his vision of it.

There is a kind of parochialism, too, that waits to trap the writer today—particularly the female and the minority writer—and that is the parochialism that results from obsession with a cause. I read the stories and essays of some women and some blacks and it seems to me that the writers believe they can make conviction or outrage or hatred take the place of craftsmanship and cold, clear, honest, unsentimental thought.

I am in sympathy with this kind of failure. I understand the complex and bitter hatred of some women writers for the society in which all Western women live. Like a great many girl children of my generation, I longed for the life I might have led if I had been a boy; and I still resent having been cut off from experiences which were not possible to me because I was a middle-class girl. I watched my friends become less than they might have been because of the circumstances of their lives. I see, too, the reasons for an even deeper hatred of Western bourgeois society that rises out of the lives of poor people and black people, for whom bitter necessity is the controlling force and to whom the notion of an income, a "room of one's own," is still a dream. But I see, too, that the hatreds and resentments, the espousals of causes that these conditions lead to do not necessarily make good writers.

It is true that black rage has been useful to blacks and that feminist rage has brought about improvements in the condition of women. But these changes in our circumstances leave us still in the position where good writers have always had to begin: where an apprenticeship to excellence is perhaps possible, where one can begin to learn to write truly about the lives of women—and men—black and white.

I am not saying that writers are not or should not be propagandists. All writers worth reading write with passion from conviction. What I am saying is that the failure to acquire the tools of one's craft, the failure to read deeply and widely in one's literature, the failure to look clearly at and feel strongly about the corner of the world one lives in produce works that are parochial and provincial and limited for the same reasons that the novels of the Southern ladies and gentlemen who write about moonlight and corn pones are parochial and

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provincial and limited; and that writers who are guilty of these failures are unlikely to produce work that is worth an hour of anybody's time.

Ellen Douglas is the author of, most recently, *Apostles of Light* (Houghton Mifflin).

Black Writing

The Negritude Poets edited by Ellen Conroy Kennedy

(Viking; $15)

Poems of Black Africa edited by Wole Soyinka

(Hill and Wang; $12.95)

"What would you expect to find when the muzzle that has silenced the voices of black men is removed? That they would thunder your praise?" Thus begins Jean-Paul Sartre's famous introduction to Léopold Sedar Senghor's pioneer anthology, *Anthologie de la nouvelle póesie nègre et malgache de langue francaise* (Paris, 1948), a volume that has never been translated in its entirety into English in spite of the African independence movements of the 1950s and '60s and the interest in black studies in the United States that followed. Senghor's anthology, and an earlier one edited by Léon Damas, viewed black poetry written in French by writers from Africa and the West Indies as one poetic movement instead of isolating these areas, as has been done for the most part ever since. Ellen Kennedy's *The Negritude Poets: An Anthology of Black Poetry Translated from the French* might be regarded as the stepchild of the Senghor volume, since it includes poems by younger poets and later poems by some of the writers included in the 1948 volume, many translated into English for the first time.

I cannot stress the importance of this volume enough—not just as another collection of militant black poems, but as a comprehensive attempt to establish the foundations of a great body of 20th-century black poetry in French and English. These are black poets of French expression some of whom began publishing 75 or 80 years ago, paving the way for an international poetic movement in the 1930s and '40s known as negritude (a word coined by Aimé Césaire in the late '30s). That their work has never been widely known in the United States is irrelevant. Certain black writers and critics (Langston Hughes, Mercer Cook, Sam Allen and Wilfred Cartey) have, in fact, acted as transmitters of the poetic works of these Francophone poets, sharing their early discoveries with more recent black Anglophone writers, both poets and novelists.

Negritude is an umbrella term, covering several generations of black poetry written in French. It covers Haitian poets as far back as Oswald Durand (1840-1906) and Massillon Coicon (1865-1908), and a group of later West Indian poets whose works first became known between the wars: Jacques Roumain, Emile Roumer, Charles Press-

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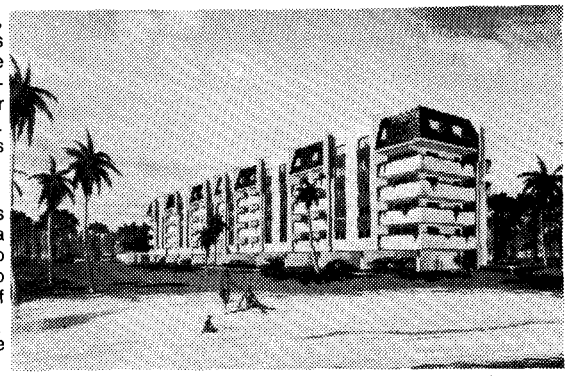

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oir, etc. It is generally regarded as a poetic movement that exploded when a number of black students studying in Paris began to reject the French colonial policy known as assimilation. The most famous of these from the West Indies were Léon Damas from French Guiana and Aimé Césaire from Martinique. Dumas' *Pigments* was published in 1937; Césaire's *Return to My Native Land* was written the following year. Léopold Sedar Senghor—the most famous of these poets from the African side (and the president of Senegal since 1960)—began writing at the same time as Damas and Césaire, though the publication of most of his work was postponed until after World War II. Shortly thereafter, a number of somewhat younger African poets (Birago Diop, Bernard Dadie, David Diop, Fily-Dabo Sissoko) joined the movement and helped to pave the way for the independence of the French colonies—an avowed goal of these black intellectuals.

Since independence was one objective of the movement, negritude poetry has often been regarded as little more than second-rate polemical verse, doomed to obscurity once the colonies achieved self-identity (a wishful desire perhaps on the part of some Western critics, including Sartre). One forgets that on a poetic level, ignoring the movement's early racial overtones, negritude began as still another reaction against the rigidity of 19th-century French verse. Negritude followed in the footsteps of surrealism and dadaism, yet it created something more substantial. (André Breton wrote the introduction to the first edition of Césaire's *Return to My Native Land*.) Ellen Kennedy makes clear that negritude is still an accurate term for much Francophone black poetry today, that the black poet in Africa and the West Indies, though unmuzzled, still writes reactionary verse. And the polemical overtones (when still present) are in no way limitations on the poetics. This is especially true in the selections she has included by René Depestre (Haitian, born in 1926, currently living in exile in Cuba), one of the poets Kennedy classifies as belonging "to the second generation of negritude poets," though realistically he is probably of the third generation.

Depestre's rage howls across the page, startles the reader by its wild phantasmagoric outburst, mixing up images from his voodoo background with plantation life in the United States and animism in Africa. Nowhere is this more visible than in "Epiphanies of the Voodoo Gods" (from *A Rainbow for the Christian West*, first published in 1957), an exhausting series of poems depicting an imaginary confrontation between the voodoo saints and the "saints" of a Southern white American family

. . . summoning to its rescue
at one and the same time
Jesus and the Ku Klux Klan,
the H-Bomb, the Electric Chair,
and the Statue of Liberty.

The confrontation reaches a mad crescendo in a voodoo orgy in which the white Southerners are symbolically bleached of their perversities in the waters of the sea: "this water will move you one day to the side of the human! I welcome this water which comes from the confines of pain! Let all of us welcome this water from the depths of the sea! This water is glorious, I say, a zodiac to vanquish all the monsters of our night!"

The shift in Depestre's poetry, from the defensive to the offensive, is typical of many of the earlier poets of the movement: especially Senghor and David Diop. In the early 1930s when Damas, Senghor, Césaire and a student named Etienne Léro were writing essays that formulated the intentions of their revolt against the French colonial policies, they emphasized the distinctness of the black man's special sensitivities: physical movement, perception, music, etc. The white world, they believed, had been destroyed by machines, guns and other agents of destruction. In one of the most frequently quoted passages from *Return to My Native Land*, Césaire wrote:

[Hurray] for those who never
invented anything,
Who never explored anything,
Who never conquered anything,
But who abandon themselves to
the essence of all things,
Ignorant of surfaces, caught by
the motion of all things,
Indifferent to conquering but playing
the game of the world.

Later—in a stage sometimes referred to as "reformed negritude"—Senghor especially began to regard black and white cultures as a kind of two-way circuit, each culture dependent on the

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other:

Now dies the Africa of empires—the
dying of a pitiable princess
And Europe's too, to whom we're linked
by the umbilicus,
Fix your immutable eyes on your
subjugated children,
Who relinquish their lives as the poor
their last garments
May we answer present at the world's
rebirth,
Like the yeast white flour needs.

Negritude had come almost full circle, moving from separatism to syncretism. The radical aspect was deemphasized; the poetry (some of the most fascinating of our time) has remained.

Only a handful of the 26 poets represented in *The Negritude Poets* will be familiar to most American readers. Fortunately Kennedy has included a wealth of background material about the movement itself and the individual poets and their work. I am especially delighted that many of these poems have not generally been included in previous anthologies (Guy Tirolien's "A Little Black Boy's Prayer," Senghor's "I Know Not When It Was," and most of the poems by Depestre). Some of Kennedy's translations are a little stiff, a little less poetic than one might want, yet *The Negritude Poets* shows that black poets of French expression have often done what is supposed to be impossible: bridged that gap betwen poetics and politics. Note should be made that although most of the translations are Kennedy's, a fair number are by writers usually thought of in slightly different contexts: John Peale Bishop, Jessie Fauset, Langston Hughes, Carolyn Kizer.

By coincidence, Wole Soyinka—one of the most vocal African critics of negritude—has edited a collection of African poems, appearing at the same time as *The Negritude Poets*. For roughly a dozen years Soyinka (a Nigerian poet, dramatist and novelist) has been taking pot shots at negritude. In his most famous quip Soyinka asked if tigers needed tigertude. In his novel, *The Interpreters*, one of his characters questions whether albinos can be included in negritude. The fact is that the Anglophone African poets have often been ideologically anti-negritude for reasons that are clear to anyone familiar with the differences between the French and English colonial policies in Africa. The Africans in the British colonies were never really threatened by assimilation; as writers they were left to do what they wanted, though as a group their writing did not become established until after World War II.

All of this is reflected in the selections in Soyinka's *Poems of Black Africa*—certainly the finest collection of African verse that has been published to date. The scope of this volume is all of tropical Africa—the English, the French and the Portuguese language areas—including a good number of traditional songs translated from the vernacular languages. (If Soyinka has had doubts about the significance of negritude, that fact is in no way reflected in his anthology.) The arrangement of the poems is especially interesting. Rather than by regions, period, style or authorship, they have been arranged thematically. Initially this may appear somewhat unimaginative, but reading through the categories themselves one soon realizes that the groupings make a great deal of sense, tempered as they are to the African mind. Hence there is a section called "Mating Cry," instead of "Love," as the subject would be called by a Western editor; "Animistic Phases," instead of "Religion," etc. *Poems of Black Africa*, then, is a totally successful anthology—imaginative in its ordering, comprehen-

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sive in its scope. Along with Ellen Kennedy's *The Negritude Poets*, Soyinka's anthology is a must for anyone interested in the scope of 20th-century poetry.

Charles R. Larson

Charles R. Larson is the author of *The Emergence of African Fiction* (Indiana University Press).

Daniel Henninger on popular music —1975

Musicians aren't making the loudest noise in the record business these days. That pinched, wailing sound you've been hearing issues from the throats of recording company executives, crying that no new "sound" has come along to recapture the hearts and moneys of the American record buyer. They're absolutely desperate for the next musical hero whose success will spawn imitators who will then spawn unimaginable gross incomes for the recording companies. It's happened before.

Richard Nader, the nostalgia impresario, has suggested the theory that new trends occur in popular music about every 10 years. The cycle began with Sinatra, recurred with Elvis, who gave way to the Beatles. Music's next white whale was scheduled to surface last year. Well the biggest splash in popular music the past year was Bobby Vinton singing in Polish. As to the future, the recording companies have hopes for what is called Germanrock or Teuton rock. Kraftwerk, the most successful of the new German groups, is best known for a piece titled "Autobahn," a twenty-two and one-half minute musical simulation of the experience of driving along a superhighway. That's where it's at in music these days.

I couldn't be happier.

The refusal of the American audience to commit itself *in toto* to a single artist or style of music indicates that, musically, we are finally growing up. Musicians and singers are producing music in an astonishing variety of styles today, and they are being supported by a devoted, sophisticated and increasingly fragmented audience.

The crowd that I saw going wild over singer Randy Newman's gentle quirkiness at the Philadelphia Academy of Music several months ago probably does not share the musical interests of the standing-room-only audience that jammed a Washington, DC concert to hear the intergalactic jazz-rock of John McGlaughlin's Mahavishnu Orchestra. Most of McGlaughlin's fans surely would pass up a chance to spend an evening with Keith Jarrett's extraordinary acoustic piano, and how many of his fans would pay money to hear the rising progressive bluegrass star, Emmylou Harris? Would any of these audiences have considered attending avant-garde composer Terry Riley's performance of "The Descending Moonshine Dervishes" in New York recently?

Some eclectic individuals are listening to all of this music, but generally one finds different kinds of audiences attending concerts today. The people who attend a Bruce Springsteen concert boogie in the aisles and charge the stage, while members of an audience for 12-string guitar virtuoso Leo Kottke sit quietly absorbed in the man's singular mastery of his instrument.

The fragmentation of musical audiences has always existed to some degree, but I think it's different now. Until recently the people in these new audiences were the biggest musical monolith in history. The war baby audience collectively listened to (and bought) *everything:* Elvis, Chuck Berry, Dylan, the Beatles, soul music, heavy-metal rock, country rock, electric blues and Delta blues, Hendrix and Joplin; it was a period of splendid musical excess. Ironically the music that so liberated its audience ultimately strangled its most talented musicians.

The best rock musicians and a small part of the audience had always been aware of rock's technical limitations, but it is difficult to say who was first to lose interest in standard rock 'n' roll. (Interestingly many of us still get excited listening to old, familiar rock albums, but we can't warm up to fine current groups such as the Doobie Brothers.) Happily the end of the rock era has not meant the end of creative and enjoyable popular music. One of the most salutary effects of the music mongering '60s was the unearthing of almost every musical tradition extant in America, and elsewhere to a certain extent. Not all of this music reached the mass market, but little of it escaped the attention of our best songwriters and performers.

The best word for their efforts today is "synthesis"; all sorts of musical influences waft in and out of music now. Paul Simon (and others) has experimented successfully with Latin and Caribbean rhythms in addition to recording with the Dixie Hummingbirds and Urubamba, a group that plays traditional instruments of the Peruvian Indians. Mickey Newbury is considered country, though his albums aren't exclusively Nashville. The songs of classically trained Randy Newman are a sort of American musical stew. Bruce Springsteen, whose music blends King Curtis, Frank Sinatra, the Apollo theater and Elvis-knows-what-else, has become the most important figure in rock today. If anyone can raise the *corpus* of rock, it is Springsteen.

Perhaps the most fascinating popular music development is the commingling of rock and jazz by groups led by John McGlaughlin, Chick Corea, Larry Coryell, Joe Zawinul and Wayne Shorter, Michal Urbaniak (recently arrived from Poland) and Gil Evans.

By common agreement Miles Davis is one of the most influential figures in the history of jazz. His new album, *Get Up With It*, is a model of where popular music is headed. Davis uses basic styles of music—South-Side Chicago blues, African rhythms and funk, among others—the way a sculptor uses a block of clay. With his trumpet he jabs and punches the blues into new shapes. Some hard-driving African percussion gets bounced between two dudes pumping guitars and riding wah-wah pedals. What Davis does to a funk number titled "Billy Preston" (a tabla and sitar are incorporated) would probably make most funk musicians freak with delight. This ain't jazz, man. It's pure Music, and there's more of it being pressed than ever before.

Still the availability of so much intriguing music makes me nervous. How long before the hammer falls? The marginally profitable recordings of some of these musical innovators is made possible in large part by the continuing support of adolescents for high-profit heavy-metal rock. If those kids ever stop doling it out for Alice Cooper and Led Zeppelin. . . .

Daniel Henninger writes about music for *The National Observer*.

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Ginsberg in Florida

by W.T. Lhamon, Jr.

The day that Nguyen Van Thieu fell from the presidency of South Vietnam, Allen Ginsberg came to Tallahassee, Florida. For very nearly 20 years, Asia has been on America's mind, and on Ginsberg's too. For 20 years his lines from "America" have told the tale: "Asia is rising against me. / I haven't got a Chinaman's chance. / I'd better consider my national resources." And for 20 years he's been reading, ranting and chanting 'round the globe, looking for resources counter to Moloch's heavy-metal, straight America. These days Ginsberg's message is that the good people are winning: have stopped the funds for the war, have booted the warmongering Presidents, have begun the attack on the police state, have successfully carried over the cultural revolution which began in the '40s and only went into hibernation in the early '70s—a hibernation that Ginsberg sees as necessary and positive, a time for folks to meditate about their own internal aggressiveness.

So Allen Ginsberg came to the mushroom capital of the South, where the cowflops conspire with the cloudbursts to get everybody off, yet where Selma and Birmingham are "up North," came invited by a student group called the Center for Participant Education, came to kick off Earth Week. And he came to sing the blues. He had just visited Scott Camil of the Gainesville Eight whom narcs for the Drug Enforcement Agency have just shot into the hospital with bullets in the back and water in the lungs. He told of his efforts with Ken Kesey to uncover the facts of the Timothy Leary case describing it as a "Gulag Archipelago situation," in which the authorities have simply broken Leary down with long stretches of solitary confinement. And he went on to describe the stories hostile to Leary in liberal papers as "deserting a wounded brother on the battlefield." If those were downers, his biggest upper was his excitement about the cost-accounting theories of Howard T. Odum, an environmental scientist at the University of Florida, who finds that more energy goes into building, monitoring and running a nuclear power plant than can ever possibly derive from the plutonium itself. He urged everyone around him to look up Dr. Odum's steady-state theories in the *Whole Earth Epilogue*.

Ginsberg's performance was a nice mixture of old poems and new songs. Always up-front, never down-back, he came out on the stage unannounced, laid down his bells, incense, red-lacquered harmonium, yellow Indian cloth, sat cross-legged, adjusted the daisies to his right, took off his tie and shoes, loosened his belt, sipped Sprite, and chanted for twenty minutes—*Om Muni, Maha Muni. . . .* All together he did an even dozen poems, punctuated with mantras. Of the dozen, eight were songs backed by his harmonium and these were easily the big pleasers. They were sing-alongs with Allen, clapping, stomping, wooo-shouting bits ("Come along, America, let's be number two"), Allen the Holy Fool, foil to the land's officialese. Blake's "Spring" led the set, with lines added for the occasion ("Merrily, merrily, we welcome in the year / The fall of Saigon's near"). Then he recited his four unbacked poems, including "Thus Sitting Cross-Legged in Teton Space," and a bitter rant about Rockefeller: "Nelson Aldrich Rockefeller, be reborn in your own image."

From there to the end it was all songs, the most notable of which was a high-strung "September on Jessore Road." The song was written in November 1971 during a period of fruitful collaboration with Bob Dylan after Ginsberg had returned from a visit to Bangladesh. He hadn't written anything about the trip, he said, until he was scheduled to appear on TV with Dylan and he figured he'd better "write a poem to match Dylan's genius." "Jessore Road" is good enough to hold the anchor position in his National Book Award volume of poetry, *The Fall of America*. But it's an even better song—ending with a string of questions, like "Blowin' in the Wind" hyped in a Blakean mood. Many in the SRO crowd left during a short intermission, so missed the real action that followed. He returned to pull out the stops, sang a tune for the new movement, "Come Along as Fast as You Can," leapt into "Dope Fiend Blues," about how he's out to "legalize existence," and left everyone laughing with "Hardon Blues": "Blues are like a hardon / They come right in your mouth / Get you up North and get you down South . . . Blues are like a hardon / And I got the blues."

There's no doubt that Ginsberg is committed to poetry as song, the singer as shaman, the shaman as singer of the body—the body public and the body politic. The tapes he made in 1971 with Dylan backing him (along with session men Happy Traum, guitar; Dave Amram, French horn, bamboo flute, bouzouki; Perry Robinson, clarinet; Jon Scholle, bass, guitar; Arthur Russell, cello), he says were John Lennon's idea and were to be released on Apple. But when Lennon and lawyer Klein went to war, the album stayed on the shelf—where it remains, even though album covers were printed. Still, Ginsberg reports he's pleased that he could improvise in the studio, and to this day he likes some of the takes: "Jimmy Berman (Gay Lib Rag)," "Going Down to San Diego" (about the Republican convention), and "September on Jessore Road." He might yet bring them out, perhaps on the Folkways label. Whatever the case, the sessions are not over. Ginsberg has been working with an old Folkways hand, Harry Smith, and recently played a Philadelphia coffee house backed by Happy Traum. He has an offer from John Hammond to go another round with Dylan and probably Jon Scholle. And his next book—soon as he corrects the proofs—will be wholly of songs, the first volume in a new St. Mark's Poetry Series (Full Court Press).

From *Howl* (1956) with its bop prosody and "saxophone cry that shivered the cities down to the last radio" though comments in "Wichita Vortex Sutra" (1966) about "Angelic Dylan" and Queen Jane, on to his current "Dope Fiend" and "Hardon Blues," Ginsberg has been continuously matching his rhythms to America's only authentic art form—jazz, rock and blues. They are the national resources he sought nearly a generation past. And he's using them still. He mixes them with his charismatic, eclectic alchemy to fuse a national resource all his own still in 1975.

W. T. Lhamon, Jr., teaches English at Florida State University, Tallahassee.

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Civilized Man

Pieces of the Frame by John McPhee

(Farrar, Straus & Giroux, Inc.; $7.95)

"Journalism" used to be thought of as an urban profession: Addison and Steele writing little essays on citified manners in a London coffee house, or the street-wise reporters of *The Front Page* trading quips over the racket of the city room. But the tone and tenor of our best documentary writing has in recent years moved closer to that of fiction, so that with Mailer, Capote, Tom Wolfe or Hunter Thompson, it's sometimes impossible to distinguish between them. An article in *The New Yorker*, in *Esquire*, in *Playboy* may take in a good deal more territory, physical and psychic, than the mere description of goings-on-about-town.

Certainly John McPhee's work does. Judging from *Pieces of the Frame*, his is a romantic temperament, which often inclines him toward the rough, wild places—the swamps of rural Georgia ("*Deliverance* country," as it's come to be called); the savage Nantahala River in North Carolina, where canoeing (one of McPhee's passions) "is like going down the New Jersey Turnpike in a fog"; Ruidoso Downs, in the mountains of New Mexico, where 10 horses compete for three-quarters of a million dollars in a race that lasts 22 seconds; Loch Ness, in whose opaque depths men search for what may turn out to be the world's biggest worm.

Yet McPhee is a civilized man, at home in big cities, as a frequent contributor to *The New Yorker* ought to be. He's a lover of sports and social pastimes, as addicted to Monopoly, tennis and basketball as he is to forests and rivers. The contrast between the worlds through which he moves—between the natural and the artificial, the real and the symbolic, the enduring and the ephemeral—is the thread that runs through these 10 essays. In "Travels in Georgia," he scrambles on foot through a maze of stalled traffic in front of Newark Airport so that he may dine on roasted weasel that night in a valley near Standing Iron Mountain. "The Search for Marvin Gardens" shows us the actual Atlantic City that lies behind the make-believe property and play money of Monopoly—the squalid ghettoes where wild dogs roam on Mediterranean and Baltic, and where going to jail is more than a strategic inconvenience. He reports in "From Birnam Wood to Dunsinane," that his children drank chocolate Nesquick milkshakes after strolling for an afternoon through the ruins of Macbeth's 1000-year-old castle.

There is a view of the world implicit in all this. When McPhee notes that the distiller of The Glenlivet, the finest scotch whiskey in existence, drinks gin and tonic, or that a tree carefully planned to fall to the north almost brains the man who is cutting it by falling due *south*, he is hardly introducing irrelevant detail. To the novice canoemen of "Reading the River," a fast stream may seem "a chaos of flow and spray," but, as the title suggests, there are those who can navigate it, and McPhee celebrates their craftsmanship, discipline and self-sufficiency wherever he finds it: in a crane operator channeling a Georgia creek, in a white-water canoe racer who can "go skidding sideways directly across the river, despite its velocity, without moving six inches downstream," in Rod Laver, a walking embodiment of the Kipling passage painted over Wimbledon's locker room door ("If you can meet with triumph and disaster, and treat those two imposters just the same"), in Dean Turpitt, the starter at Ruidoso Downs, who can gauge with breathtaking precision the fleeting moment at which 40 hooves are all solidly planted.

Of course a writer's personal vision isn't worth much unless he can lend it to us. But McPhee's powers of description are such that we often feel the shock of recognition even when what is being described is totally outside our experience. I have never played Laver (thank God), but I know exactly what McPhee means, in "Centre Court," when he speaks of a forehand drive that comes over the net "fast, heavy, fizzing with topspin." Sometimes it seems that McPhee deliberately chooses unpromising subjects, just to show what he can do with them. In "Firewood," for example, he tells us that "firewood, in essence, is mysterious" and then makes good on that unlikely claim in an unlikely way—by explaining to us the chemistry of combustion (as he explained the physics of fission in his marvelous earlier book *The Curve of Binding Energy*). The result is that fire, approached through science, seems magical, a sort of pyrotechnical alchemy in which "incandescent carbon particles, by the tens of millions, leap free of the log and wave like banners, as flame."

The appeal of fire is basic, primordial. Here and in most of these pieces McPhee penetrates the surfaces of things and makes his way toward what is essential and unchanging. He draws us to an appreciation of those things that seem simply to endure: birchbark canoes, Lew Hoad ("weathered and leonine"), the last oak of the original Birnam Wood, a 35-year-old cask of The Glenlivet, the Loch Ness monster. "The lumber of the giant sequoia is terrible," he writes. "Be good for nothing if you want to live forever is the message of the giant sequoia." Fortunately for us, it's advice that McPhee himself has steadfastly ignored.

Richard Horwich

Richard Horwich teaches English at Brooklyn College.

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A Last Hurrah

Doris Grumbach

In this last of almost 90 columns I have put together, I want to end in a blaze of prediction. I predict that E.L. Doctorow's *Ragtime* (Random House; $8.95) will be the most read, the most critically applauded and yes, perhaps the most accoladed novel of this year. I foresee a National Book Award and even a Pulitzer Prize threatening to descend upon it to augment its guaranteed popular appeal, Book-of-the-Month-Club sales setting records, a Big Movie . . . the works.

My enthusiasm for what Doctorow has accomplished in *Ragtime* began with the appearance in two issues of *New*

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American Review of parts of the book. It grew with reading the galleys, not an ordinary result of wrestling with those unwieldy, long, early pages. Now, with the book itself in hand, I recognize that my pleasure in his achievement is based primarily on the *quality* of the prose, an ingenious representation in words and sentences of Scott Joplin's rag rhythms: "Do not play this piece fast. / It is never right to play Ragtime fast . . ." Joplin is quoted as having said.

Then there is the skill of the plotting, the adroit cleverness with which Doctorow builds characters without once moving beyond their observable surfaces. Of course, there is the story. The hardest part of this review, already somewhat overloaded with superlatives, is to write about this "story." It is composed of so many unlikely elements, so uniquely structured, that the *process* of its telling becomes in itself a pleasure to watch. Imagine a novel in which the following historical personages not only appear as background, authenticating a fiction (a not-uncommon device) but also play an active, if unhistorical and almost fanciful, part in the action: millionaire Harry K. Thaw and his showgirl wife Evelyn Nesbit, President McKinley, J.P. Morgan and Henry Ford, Emma Goldman the anarchist and Harry Houdini the escape artist and his beloved mother Cecelia Weiss. Sprinkle this already unlikely imbroglio with the occasional appearance of Admiral Perry, Theodore Dreiser, Sigmund Freud and Jacob Riis.

Now, to this circa-1905 *personae*, add the proud and vengeful figure (no longer in the realm of history, I believe) of Mr. Coalhouse Walker, a black musician and disciple of Joplin, who owns a new Model-T Ford which is desecrated by a bunch of New Rochelle thugs who happen to be volunteer firemen. Add an immigrant Jewish family, father, mother, beautiful young daughter who come to America and settle on the Lower East Side of New York City. Add one other family: a middle-class Anglo-Saxon "old" family, mother, father, mother's younger brother, their observant little boy in a sailor suit. Weave them all together, so that their histories, real and invented, touch each other at likely or unlikely places, and you have an extraordinary fictional tapestry.

Ragtime is an absorbing story about a number of things: urban East Coast America at the turn of the century; cultural commentary poised on the edge of the gilded age; the end of the long American innocence just before the losses and wastes of the great war; an out-of-his-time black's revenge against the wholly white world (or so it seemed) of the early part of this century.

For, Coalhouse Walker is the keystone to Doctorow's structure. Without his figure we would have somewhat less of the unerring backward vision to a time when it might still have been possible to make peace between classes and races in this country, between children and parents, between the world of simplicity and optimism at the turn of the century and the weary, corrupt decadence in which the century is now wearing itself out.

I have said that the quality of the prose and the authenticity of the dialogue are as much a part of the book's charm as its intricate design. An example is the section that treats of the meeting

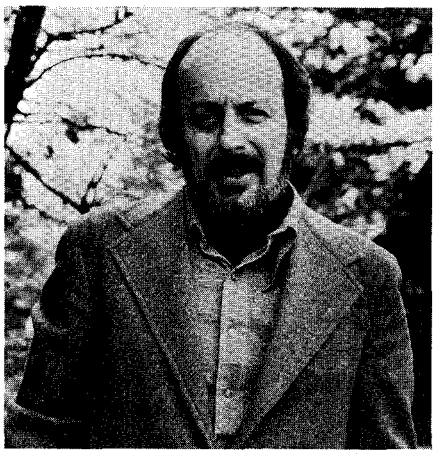

Photo by Jill Krementz

between J.P. Morgan and Henry Ford, a small masterpiece of vivid descriptive prose, in which Morgan informs Ford of his arcane theories on reincarnation: "an ongoing, beneficent magic available to certain men of every age for the collective use of mankind." He proposes that he accompany him on a visit to the Great Pyramid to learn its secrets. Ford says *he* has already learned about the secret of his own genius from a pamphlet, *An Eastern Fakir's Eternal Wisdom:*

I found everything I needed to set my mind at rest. Reincarnation is the only belief I hold, Mr. Morgan. I explain my genius this way—some of us have just lived more times than others. So you see, what you have spent on scholars and traveled around the world to find, I already knew. And I'll tell you something, in thanks for the eats, I'm going to lend that book to you. Why, you don't have to fuss with all these Latiny things, he said waving his arm, you don't have to pick the garbage pails of Europe and build steamboats to sail the Nile just to find out something that you can get in the mail order for two bits!

The two men stared at each other. Morgan sat back in his chair. The blood drained from his face and his eyes lost their fierce light. When he spoke, it was the weak voice of an old man. Mr. Ford, he said, if my ideas can survive their attachment to you, they will have met their ultimate test.

This section suggests another quality of the prose, its subtle humor. Because Doctorow is so in control of every piece of his fiction it is possible to lose sight of the wry, often sardonic rhetoric, the fine turn of phrase and sentence in which his observations are couched. It may seem to the hasty reader who has ignored the injunction not "to play this piece fast" that a kind of surface Dick-and-Jane-and-Spot prose has been utilized to increase the reader's sense of the childlike atmosphere of the time. This, I think, is not so. His deceptively simple syntax is the result, I suspect, of a masterly reduction to the bones of what might, in lesser hands, have been a huge and unwieldy book. It follows Mark Twain's remark that "I would have written a shorter letter but I didn't have time."

In fine, Ragtime is a model of a novel: compact because it is perfectly controlled, spare, because a loose end would have detracted from the shape it has, completely absorbing because once in, there is no possible way out except through the last page.

Correspondence

Another Side to the Fed

To the editors:

Peter H. Schuck, in his article on Arthur Burns and the Federal Reserve Board ("Fed Up With Arthur Burns: Keeping Secrets," *TNR*, June 7) is hard put to supply a reason for Arthur Burns' reluctance to supply information that will allow consumers to do comparison shopping for loan rates. The best he can do is fall back upon that old whipping boy, the regulatory agency, which sees its ". . . interests as nearly identical with

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the regulated industry and will act on that perception." But this does not explain the nature of these identical interests.

We still do not know from Schuck why the Fed behaved this way—unless there is some modern equivalent of Satan working therein. I believe I can offer a more rational explanation of their behavior:

1) There is no such thing as corporate taxes. There are merely government assigned costs of doing business that are passed along to the consumer. Only the ultimate consumer pays taxes in the true sense of the word.

2) The government is in partnership with business (as a 47 percent tax rate makes abundantly clear) and, therefore, has a vested interest in a company making as much money as possible—since the more money the company makes, the more taxes the government can make. (Actually, it makes more sense to regard business as a quasi-independent tax gathering agency.)

At a large corporation where I worked until recently, management insisted on a 10 percent profit after taxes. This meant that we had to achieve a 20 percent profit before taxes in our projections. If we couldn't achieve this target, we couldn't get a corporate go-ahead on the project. I'm sure that Arthur Burns would have applauded this prudent response.

3) The government has a vested interest in maintaining monopoly positions in mature industries and restricting entrance thereto. After all, tax receipts are higher from old industries than from newer ones with high start-up costs and capital equipment that is not amortized.

4) One way to maintain higher profits and monopoly positions is to restrict the flow of information concerning cheaper alternatives. This is what the Fed did in the case of their refusal to supply information that would allow comparison shopping in regard to interest rates. If the consumer had shopped, he might have gone to a bank willing to accept a smaller profit. This would have meant, in turn, that the government would have to be satisfied with smaller tax receipts. Since governments (which are run by men) are rarely satisfied with less than they had before, it is perfectly understandable why Arthur Burns tried to withhold information from the public.

In short, Schuck appears to have gotten all the facts right and the story wrong. Far from being the villain, business has been forced to be an accomplice to government wrongdoing. Banks would prefer to publicize interest rates. Regulatory agencies, far from being at the beck and call of the regulated industries, are really instruments of government fiscal policy.

U. Harold Males
University Heights, Ohio

To the editors:

I must take exception to the errors and innuendoes contained in "Fed Up with Arthur Burns" by Peter H. Schuck. But rather than refute the article point by point, let me briefly present the facts in this case as I see them.

At the request of the Committee on Interest and Dividends, the Federal Reserve began in January of 1972 to collect data on the interest rates charged by banks for selected types of consumer and business loans. These data, as with most data collected by the Federal Reserve, were obtained on a voluntary basis. Our success over the years in obtaining data has been based on our ability to assure reporting banks that the material provided voluntarily by each of them will be treated in a confidential manner. Consequently, member banks participating in this interest rate survey were assured that the figures each supplied would be held confidential.

Because of this promise of confidentiality, the board turned down a request from Consumers Union during 1973 for access to the specific rates reported by the individual banks in the survey. Consumers Union subsequently filed suit in an attempt to obtain the data. It should be noted that Mr. Schuck represented Consumers Union in this court action—a fact omitted in the article and relevant insofar as it may explain some of the zealous tone of the piece.

While the litigation was pending—in fact while the board staff was negotiating with Consumers Union to reach a settlement as encouraged by the Court of Appeals—Consumers Union published in its magazine a listing of many of the rates that were the subject of the court action. It was clear to us that an apparent theft of confidential data from the board's file had occurred and that this could neither be ignored nor condoned. It was decided by the chairman that the best course of action would be to request the government's investigative body, the FBI, to conduct an inquiry. While this inquiry was underway, the attorney for a board employee contacted the Justice Department with the following offer: the employee who gave the information to Consumers Union would resign his position and give a statement to the FBI if in return no prosecution would result. The board accepted this proposal, after consultation with the Justice Department.

Under arrangements subsequently worked out with Consumers Union, the Federal Reserve will make individual bank data available monthly on five types of consumer loans beginning with the bank survey for May of 1975. Banks participating in the survey have been notified that the information they present to the board will be made public.

I should note, however, that this information will be of little value to consumers since it applies only to a small sample of banks—roughly 360 banks out of a total of 14,000. The purpose of the survey is to produce a national average based on a sample and not to obtain definitive data for individual cities. The best way to help consumers obtain useful information about these rates is for Congress to require each financial institution in the country to post its consumer loan rates in a conspicuous place on its premises. Chairman Burns has suggested this approach to Chairman Rosenthal of the House Government Operations subcommittee, which conducted a hearing into this matter.

The New Republic presented Mr. Schuck's side in its June 7 issue. It owes it to its readers to present this brief summary of the Federal Reserve's side in an early edition of the magazine.

Joseph R. Coyne
Assistant to the Board of Governors of the Federal Reserve System

All That Glitters . . .

To the editors:

I am a black person and I am writing in regard to comments made by Victor Gold in his review of Theodore C. Sorensen's book *Watchmen in the Night* (*TNR*, April 12, 1975). I found much of his review to be highly literate and readable and I will even say that a great deal of his critique, as well as the parts of Mr. Sorensen's book he chose to excerpt, has made me interested in reading the book.

Having said that, I shall now come to my point: Mr. Gold's remarks concerning what he claims to be "the recurrent

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theme and pervasive flaw" in Sorensen's book and the ideas behind them are narrowminded at best, prodigiously snide at worst and intellectually barren. It is certainly true that it is well to go over all uses of presidential authority in order to help learn how to avoid future Watergates. But to claim, as Mr. Gold does (however indirectly), that the "cancers" Mr. Sorensen quotes John Dean as trying to point out started in the "halcyon years" of Sorensen's service in the John F. Kennedy presidency, rather than in 1964, as Sorensen puts forth, is outright ridiculous. During the years of his presidency, John F. Kennedy, for the most part, dealt with the American public honestly and forthrightly. He made his share of tragic and foolish mistakes, but he almost always admitted them openly and willingly. Unlike Lyndon Johnson he did not use his office to deceive and maneuver the nation into complying with the escalation of probably the most futile and senseless war in its history. Unlike Richard Nixon, he did not use it to comply with, if not commit himself, major acts of perjury, obstruction of justice and destruction of evidence. Mr. Gold talks of the possibility of Mr. Sorensen being "unable to overcome his bias," but I cannot help but wonder if Gold, in reviewing the book, has really overcome the bias he himself may have achieved during his time as press secretary to Richard Nixon's Vice President.

Also, it may be true in many ways that, given the atmosphere and attitudes surrounding the presidency, there may have been a Watergate even if there had been no Richard Nixon (as Sorensen himself intimates in the passages Mr. Gold presents); yet to downplay Richard Nixon and his part in the issue, as Gold does, helps to becloud the real issues involved. The Watergate acts in themselves (subversion of such federal agencies as the FBI and the CIA to block investigations of illegalities, politicization of the IRS for the purpose of wreaking vengeance on "enemies," perjuries before grand juries and federal prosecutors, etc.) happened during Richard Nixon's presidency, with his people and with his cooperation, if not direction. It is vital to look at the man himself, the men themselves, and how and why the specific acts were committed so as to get a complete picture of what was done and how to protect our institutions so that they will not be the targets for such abuse and perversion again. Contrary to Gold's claims, there is still much that can be learned about Richard Nixon's presidency. To look at the workings of other ones without getting a full and total picture of how Richard Nixon's worked could well result in blanket and almost undiscriminating condemnation, lumping most, if not all, preceding administrations in with his, without stopping to recognize the differences.

Duane Brooks
Pittsburgh, Pa.

Bureaucratic Sacred Cows

To the editors:

How presumptuous of Peter Ognibene ("Up the Army," *TNR*, June 14, 1975) to even infer that Congress is capable of dealing with defunct *military* programs by "deactivating unnecessary troops and returning the savings to the taxpayers" when it has become difficult at best to distinguish between the current *congressional* programs that actually serve "the people" and those so-called "sacred cows," congressionally defunct programs that can't be removed because they have become a part of the institutionalized bureaucracy!

Constance Kenneally
Johnstown, Pennsylvania

Kauffmann, *from page 22*

exchange made up entirely of Dostoevsky titles (more recognition stuff) and lines like "I will dwell in the house of the Lord for six months with an option to renew." But his invention is generally sustained and cinematic.

His script *is* a parody, of sorts, and the center, insofar as it has one, is *War and Peace*. Or films of it. Or fantasies about films of it. The reason for his choice, I guess, is the hardy perennial: Why not? There are battles, balls, an assassination attempt on Napoleon, loves requited and otherwise. Allen is in love with Diane Keaton (who has a modest vernacular comic gift). At first she ignores him; after her first husband dies, she marries him even though he doesn't attract her. One of the best moments: In their marriage bed he puts his hand on her arm, and she says: "Please—not here."

Allen's material is, as usual, his incompetence and his lust—the shnook as lecher—but he has no hesitation about doing anything for laughs, no matter how it contradicts this concept. Keaton bypasses him at the start, but then a gorgeous dame (Olga Georges-Picot) flips for him on sight. He bumbles as a soldier, but then he gets involved in derring-do. Maybe it's a little odd to ask for character consistency in a film that thrives on anachronism, still I can't help feeling that Allen would be funnier if he stuck more closely to his fundamental character, a sort of smart-woeful Jewish Harold Lloyd.

Anyway, his performing improves, and so does his directing—at least he now puts the camera in the right place most of the time. However, he's overaddicted to close-ups, particularly of himself, not always at his most taking. And he commits the same textural error as the *Monty Python* people: much of the photography, by Ghislain Cloquet, is just too beautiful. The picture was shot in France and Hungary, and some of it is gorgeous. None of it should be. For instance, the sweeping mountain background for the recruits' drill is utterly incongruous with Allen's horseplay. Up to now most producers and directors of farce have engaged the classiest cinematographers they could get in the rather simple-minded belief that good is good. The problem of the esthetic burden of color in farce has not yet been solved.

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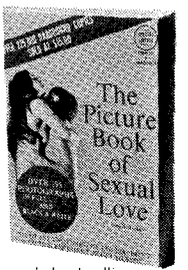

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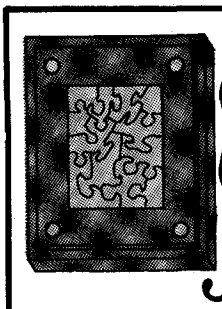

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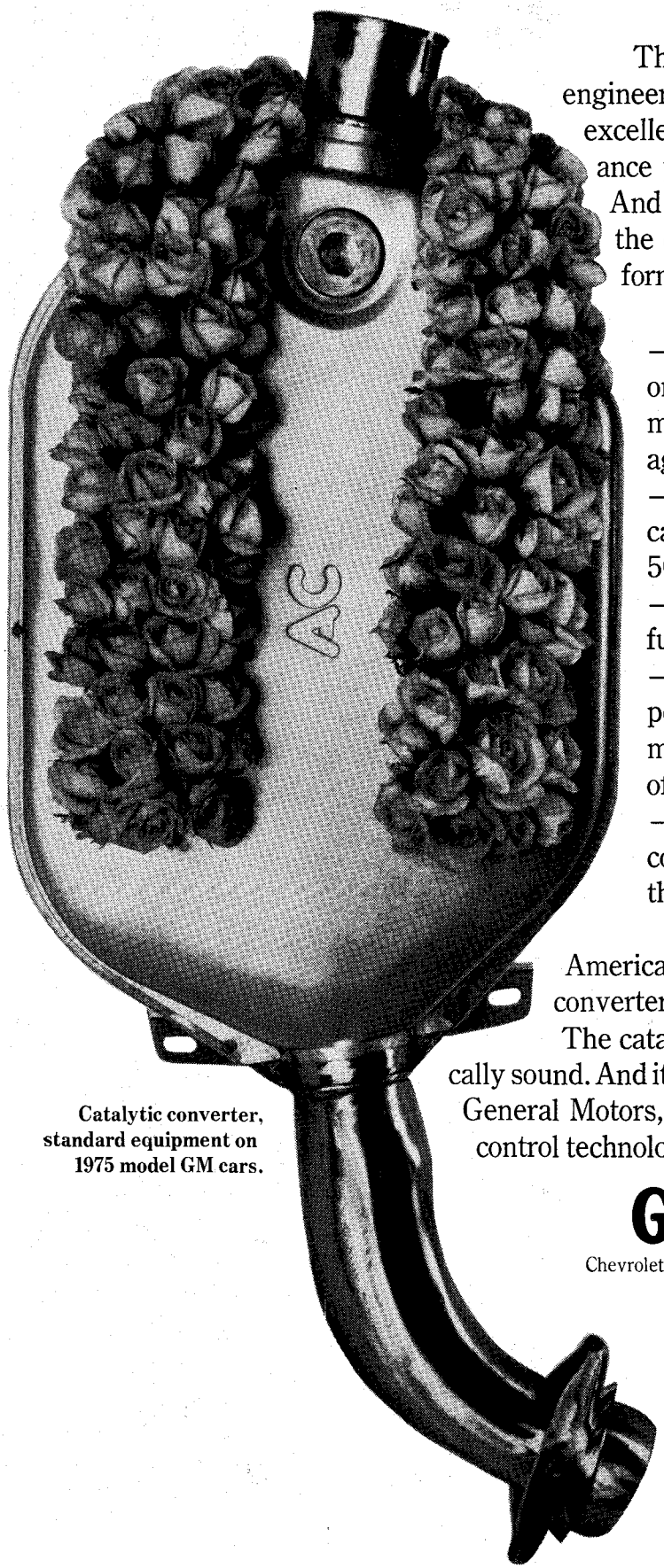

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